

DEPARTMENT OF AGRICULTURE
NATIONAL ORGANIC STANDARDS BOARD

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MEETING

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THURSDAY, APRIL 20, 2006

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The National Organic Standards Board
convened in the Ramada Conference Center,
1450 South Atherton Street, State College,
Pennsylvania, at 8:14 a.m., Kevin O'Rell,
Chairman, presiding.

PRESENT:

KEVIN O'RELL	Chair
ANDREA CAROE	Vice Chair
BEA JAMES	Member
GERALD DAVIS	Member
RIGOBERTO DELGADO	Member
KEVIN ENGELBERT	Member
DAN GIACOMINI	Member
HUBERT KARREMAN	Member
JEFF MOYER	Member
NANCY OSTIGUY	Member
JOE SMILLIE	Member
JULIE WEISMAN	Member

NOP STAFF PRESENT:

MARK BRADLEY
VALERIE FRANCES
BARBARA ROBINSON
DEMARIS WILSON
ARTHUR NEAL
TONI STROTHERS
KATHERINE BENHAM
J.D. MELVIN

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ALSO PRESENT:

MARK KASTEL
GEORGE SIEMON
ALBERT STRAUS
TONY MOORE
BILL CLYMER
KIM DIETZ
DAVID HILTZ
LOU ANDERSON
CAYSE WARF
GWENDOLYN WYARD
TINA ELLOR
EMILY BROWN-ROSEN
TOM HUTCHINSON
DIANE GOODMAN
MILES MCEVOY
STEFFEN SCHEIDE
DAVE CARTER
RICK SEGALLA
ADAM EIDINGER
DAVE ENGEL
DAVID DECOU
BONNIE WIDEMAN
ZEA SONNEBAND
ERIC SIDEMAN

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1 P-R-O-C-E-E-D-I-N-G-S

2 8:14 a.m.

3 CHAIRMAN O'RELL: Call to order
4 the continuation of the NOSB meeting. If
5 everybody would either take their seat or take
6 their conversation outside, please.

7 Okay today, this morning, we're
8 going to start off with the presentation of
9 each committee of their action items and
10 discussion items. Because of the logistical
11 issue we had with the pastor symposium, we
12 normally would do this one day and then the
13 next day come back and vote on items.

14 What we wanted to do was to have
15 an opportunity for public comment after our
16 discussion prior to our votes. So we'll be
17 going through each committee with the
18 presentation and discussion items, and then we
19 will go into public comment.

20 Then we have an extended break for
21 lunch period, which is designed to give
22 committee chairs a chance to get their

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1 committees together if need be for any
2 conversation, to discuss the public comment
3 that may change any of the recommendations
4 that have been presented in the morning.

5 Then we'll come back in the
6 afternoon, and the committees will go through
7 and re-present any updated or current
8 recommendations, and then we will have
9 discussion and vote.

10 So this morning, we're going to
11 start off with the Crops Committee. Gerald?

12 Crops Committee Report

13 MEMBER DAVIS: Thank you. The
14 Crops Committee had a long list of deferred
15 sunset materials to go over, and it took an
16 extensive amount of time to wade through the
17 public comment and submitted information.

18 The first materials as a group
19 would be the chlorine materials that are
20 listed as calcium hypochloride, chlorine
21 dioxide, sodium hypochloride. The category of
22 uses, as algicides, disinfectants and

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1 sanitizers.

2 I'll read part of this committee
3 summary, because it's fairly extensive, and
4 would probably eat up too much time to read
5 the whole thing.

6 "Many public comments were
7 received by the NOP supporting the continued
8 allowance of the use of the chlorine materials
9 in this category. The most common reason
10 given for the continued use was for food
11 safety concerns, over the potential
12 contamination of organic produce by food-borne
13 pathogens.

14 "A big concern is that the
15 negative public reaction to potential
16 outbreaks of illness associated with
17 organically produced food would be
18 catastrophic to the industry.

19 "Compliance with FDA and other
20 health regulatory agency regulations and
21 guidelines was another common concern.

22 "Some comments express concern about

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1 the application of chlorine materials to
2 organic product in excess of the NOP standard
3 listed in the rule.

4 "These comments stated that chlorine
5 concentrations well in excess of the NOP
6 standard are used in some instances with the
7 assumption that the material would be degraded
8 or diluted at some later point in the handling
9 process of the product, or at least before the
10 produce reached the consumer.

11 Two of these comments, one from a
12 vegetable sprout producer and a consumer
13 association, specifically stated that the
14 residual chlorine levels in solution must not
15 exceed the NOP rule guideline, at the point at
16 which the treatment solution is drained from
17 the food being treated."

18 The Crops Committee agrees with the
19 comments that more specific guidelines for the
20 use of chlorine materials in organic crop
21 applications are needed, but the committee
22 also acknowledges that such a recommendation

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1 to add further addenda to the regulation is
2 not the purview of this sunset document.

3 We're told a petition addressing
4 those addenda changes for these materials
5 would be more appropriate.

6 One commenter proposed peroxyacetic
7 acid, which is a hydrogen peroxide acetic acid
8 combination as a safer alternative
9 disinfectant to chlorine. This comment also
10 acknowledged that peracetic acid is currently
11 not an allowed replacement for some of the
12 chlorine application uses.

13 One comment objected the use of any
14 synthetics in organic crop production, but
15 failed to demonstrate how it violated OFPA.

16 I'll skip over some of the review of
17 the technical evaluation report. Probably
18 the new information in that concerns THMs or
19 trihalomethane contaminants that can be
20 present on crop surfaces when chlorine is
21 applied to them.

22 It's kind of a metabolite or

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1 something, once you use chlorine and it comes
2 in contact with organic materials that may be
3 on the produce.

4 That's the new information that some
5 of the commenters mentioned, and the technical
6 evaluation report mentioned.

7 Although it was noted by some that
8 if the addendum to the use of these materials
9 was corrected, to make sure that there are
10 guidelines to control the amount of chlorine
11 being used and limit it to precisely what the
12 guidelines say in the NOP regulations, then
13 that would minimize the risk of those THMs
14 being produced, because you'd be using the
15 proper amount of chlorine.

16 Skipping down to some of the other
17 substitute materials that were presented as
18 alternatives to chlorine, thus stating the
19 case why they are not needed any more, citric
20 acid or other acids such as acetic or ascorbic
21 were mentioned as wholly natural substitute
22 products that could be substituted for

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1 chlorine materials as irrigation line cleaners
2 and equipment sanitizers.

3 No information on the effectiveness
4 of these materials in crop wash water was
5 offered in the report. One commentator
6 offered an example of acetic acid use in the
7 meat industry as a carcass wash for surface
8 sanitation.

9 In that particular instance, the
10 wash water is amended to pH-3 to attain
11 surface sanitation. Extrapolating this
12 information to crop wash water, maintaining
13 this low of a pH would take substantial and
14 continual additions of acid, which would be
15 corrosive to the handling equipment, corrosive
16 to the workers in the operation, and the crop
17 as well in any cases.

18 Other allowed substitute materials
19 listed in the report include hydrogen
20 peroxide, ozone, peracetic acid, vitreous
21 alcohols, copper sulfate and salt-based
22 algicides. Steam sterilization and UV

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1 radiation were mentioned as alternative
2 practices that might make the use of chlorine
3 materials unnecessary. In the opinion of the
4 Crops Committee, of the materials, the
5 peracetic acid appears to hold the most
6 promise as a safer alternative to chlorine and
7 crop wash water applications.

8 It requires at least 50-fold lower
9 concentration than hydrogen peroxide for
10 sanitation efficacy in crop wash water, and
11 would eliminate the bleaching or oxidizer
12 effect problem associated with hydrogen
13 peroxide use as a crop wash.

14 Peracetic acid was recommended for
15 approval for this purpose by a previous NOSB,
16 but has not cleared the NOP rulemaking process
17 as yet.

18 Ozone, as mentioned by the report,
19 has a strong tendency to off-gas from wash
20 water and causes serious headaches and health
21 problems in workers exposed to it. UV light
22 from special lamps has been shown to be

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1 effective in some limited applications.

2 In conclusion, due to overriding
3 food safety and regulatory issues, the Crops
4 Committee recommends the renewal of these
5 chlorine materials. Discussion?

6 MEMBER KARREMAN: I just think you
7 guys really did a thorough checking into the
8 alternatives here. I appreciate that.

9 MEMBER DAVIS: Thank you.

10 CHAIRMAN O'RELL: Nancy?

11 MEMBER OSTIGUY: I don't think we
12 have an alternative, but to approve this,
13 because of food safety issues. I would like
14 to go on record as encouraging continued
15 research to find alternatives.

16 I haven't quite decided, purely
17 because of that, whether or not I will vote in
18 favor or against renewal, purely as a message
19 that we need to work on alternatives.

20 But so I just wanted to -- whichever
21 way I end up finally voting on this, we
22 absolutely do need to continue to do research

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1 on alternatives.

2 MEMBER DAVIS: Of the peroxyacetic
3 or peracetic acid alternative, which has a
4 much better profile with it as far as effects
5 on the environment or possible negative
6 environmental or health concerns.

7 I had a question for Arthur and the
8 program. Arthur, on that NOSB recommendation
9 that's been kind of hung up, I guess it was in
10 FDA for a while and now it's at OGC; is that
11 correct?

12 Is there -- do you see any, in your
13 understanding of the process that you've
14 watched so far, is there any reason to expect
15 that it would not come through the process now
16 that it's been there this long?

17 MR. NEAL: It should be okay.

18 MEMBER DAVIS: Okay. So maybe
19 perhaps soon we'll be seeing some movement on
20 that as a good alternative.

21 MEMBER OSTIGUY: Some alternatives.
22 Yes, and there's going to be a while, I would

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1 assume, between alternatives coming up and our
2 eventual ability to do something about
3 chlorine.

4 We may never be able to remove it,
5 because there will be some uses that we will
6 need it for food safety. But alternatives are
7 a grand goal.

8 MEMBER DAVIS: Okay. Moving on, the
9 next category of use as plant disease control.

10 No, I'm missing one. As insecticides and as
11 plant disease control, the horticultural oils.

12 Pertaining to horticultural oils,
13 comments were received saying that natural
14 alternatives were available as replacements.
15 Vegetable oils were mentioned as the natural
16 product replacement, but were questioned to
17 see if these are appropriate and effective.

18 According to a representative of one
19 organic certifier, all the vegetable oil
20 formulations for crop protection use have
21 synthetic emulsifiers in them. Without the
22 emulsifier, the oils would not work as a spray

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1 material for crops.

2 I mean the oils would be oils, but
3 they wouldn't be able to be mixed in a water
4 solution to spray on a crop, to give the
5 efficacy. It could be argued that these
6 products would not be wholly natural
7 substitutes.

8 Further comments were received,
9 stating that multi-year grower comparative
10 tests between vegetable oil products and the
11 petroleum-derived oils showed that the
12 vegetable oils did not control certain target
13 pests adequately.

14 I want to thank Franz for your input
15 of that written comments that you provided;
16 they were helpful in showing us at least one
17 example of where yes, we really would like to
18 use vegetable oils if they would work for our
19 disease in our situation.

20 Research data that could verify the
21 claim that the vegetable oil alternatives are
22 truly adequate as a replacement is needed.

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1 The committee recommendation, based on
2 comments received, we recommend that we renew
3 this material in these categories of uses.
4 Discussion?

5 CHAIRMAN O'RELL: Gerald, I see that
6 the committee vote was 3 to 1. So there was
7 one opposed?

8 MEMBER ENGELBERT: Yes. That was
9 me.

10 CHAIRMAN O'RELL: Can we hear from
11 the minority?

12 MEMBER ENGELBERT: Basically, it's
13 the same logic that Nancy used with chlorine.

14 I'm just going to vote no, because I think
15 there needs to be a better alternative, not
16 because I want to handicap any growers today,
17 but just to make a statement.

18 CHAIRMAN O'RELL: Nancy.

19 MEMBER OSTIGUY: One of the things
20 that I would like to encourage some specific
21 research to be done on in this area is why the
22 vegetable oils would not be as efficacious, if

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1 it turns out that that's accurate.

2 It's supposed to a suffocating kind
3 of process for insects, and in that case, oils
4 should be oil. I'm just curious why
5 petroleum-based product would be better than
6 the vegetable oil, if we're supposed to be
7 covering that insect with oil to block its
8 sphericals?

9 It's just curious. Why doesn't it
10 work, and if we understood why, then we may be
11 able to come up with a more natural substance.

12 MEMBER DAVIS: Yes. The theory that
13 they should work makes sense.

14 MEMBER MOYER: That's why they were
15 tried.

16 MEMBER DAVIS: But I struggled to
17 find data, research data that showed that --
18 to back that up.

19 MEMBER OSTIGUY: Right, and I'm not
20 disagreeing that the data are not there to
21 show that it works. But why, and then if we
22 could figure out why, it's a research area.

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1 Why is it not working to suffocate, because if
2 it's covering the sphericals, that's where all
3 the air comes from?

4 MEMBER MOYER: Well then there was
5 also the question of the synthetic emulsifiers
6 that are used in that process with the
7 vegetable oils as well.

8 MEMBER OSTIGUY: Right.

9 MEMBER DAVIS: That's fairly
10 problematic.

11 MEMBER MOYER: Right. We don't want
12 to just trade one for the other.

13 MEMBER OSTIGUY: Uh-huh, uh-huh.

14 MEMBER DAVIS: Because they're all
15 petroleum-derived.

16 MEMBER MOYER: Right.

17 MEMBER DAVIS: Emulsifiers. So
18 we're not really taking any big step forward,
19 other than maybe the amount of material you're
20 putting on an emulsifier versus the oil
21 itself.

22 MEMBER OSTIGUY: It has to do with

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1 oil hitting \$70 a barrel. We may have a lot
2 of incentive for research for alternatives.

3 MEMBER MOYER: That's a good point.

4 MEMBER DAVIS: Any other discussion?

5 I'll move on to the next material. Hydrated
6 lime as plant disease control. The renewal of
7 hydrated lime was deferred for two reasons.

8 First, the Crops Committee thought
9 that more information and public comment was
10 needed. Second, because of concern that there
11 was no OFPA category that specifically allows
12 its use.

13 I think the second concern that
14 there was no OFPA category that we could fit
15 this into was really the main objection and
16 reason for deferring it for further
17 consideration.

18 Most people who are familiar with it
19 know that if this is produced by heating, you
20 know, regular ground limestone to very high
21 temperatures and then adding water to make
22 hydrated lime or calcium hydroxide.

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1 It's been produced for a long time,
2 and it's used on a lot of things. Some of the
3 environmental concerns are listed in this
4 committee summary. It just summarizes
5 basically concerns about the manufacturer and
6 mining of the material, more than
7 environmental or health concerns based on the
8 intended use.

9 Most of the public comments were in
10 favor of keeping hydrated lime on the national
11 list. Although not that many people
12 specifically mentioned it, they just included
13 it in their -- yes, we'd like this and their
14 wish list of all the materials.

15 The manufacturer of lime sulphur,
16 which many commentators said that they could
17 not form organically without, requires the use
18 of hydrated lime, as does the production of
19 Bordeaux mixture, which is a copper-containing
20 compound.

21 Lime sulphur is used to control
22 fungus, mites and insects in apples, grapes,

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1 blueberries, cherries and other tree and vine
2 crops.

3 Some commentators made the point
4 that lime sulphur has been used for many years
5 with no recorded loss of effectiveness. One
6 commentator stated that no synthetic
7 substances should be allowed in organic, but
8 failed to show how these materials violate
9 OFPA.

10 In the opinion of this committee,
11 hydrated lime should be considered a
12 production aid insofar as it is vital to the
13 production of two exempted sulphur or copper-
14 containing materials, in order to make these
15 materials more non-biotoxic to plants.

16 On a split vote, the committee
17 recommended not renewing the material to the
18 national list, mainly for the lack of an OFPA
19 category for it. Discussion?

20 MEMBER WEISMAN: Yeah, Joe. We've
21 already mentioned a couple of times that one
22 of the tasks that we haven't accomplished yet

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1 but that is on our work plans is realigning
2 the list to conform to OFPA categories.

3 If that were already accomplished,
4 would that have changed? Is it possible that
5 that might have changed your vote?

6 MEMBER DAVIS: Well, realigning the
7 list to match the -- to fit them into the
8 categories is that discussion and the stream
9 of thought is what brought up th problem in
10 the first place, that where do we put this
11 material?

12 It comes down to the suggested, the
13 best places that have been suggested. One
14 would be to lump it in the production aid
15 category, which personally I think is that
16 production aid category designation for
17 material sprayed to crops, is kind of a
18 slippery slope thing that we could enter into,
19 where all kinds of synthetic materials could
20 be suggested.

21 "Well, let's call them a production
22 aid and put them in there," although the

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1 program NOP did mention that, you know, that
2 is a possible way of doing it, and could be
3 supported legally, from their opinion.

4 The other thing, one commenter
5 yesterday mentioned to me that it could fall
6 into that exemption category of vitamins or
7 minerals, because it is a calcium mineral,
8 which is great for the one use.

9 But for hydrated lime, it's more of
10 a problem because the use of it is for plant
11 disease control, and it's not being used as a
12 mineral. So it's a stretch either way in my
13 opinion, although in my opinion personally,
14 the material is really not a threat to an
15 environment as used.

16 It's very important to many growers.
17 I didn't realize that in our discussions with
18 the committee, that there were a tree fruit
19 growers that use the material straight.

20 MEMBER MOYER: Yeah. That didn't
21 really come out in our initial discussions.

22 MEMBER DAVIS: No. We didn't have

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1 that information.

2 MEMBER MOYER: As follow-up
3 discussions, you know, through these meetings
4 and through e-mails, I think that that's
5 become more apparent to the committee.

6 MEMBER DAVIS: So for the limited
7 amount of materials that an organic tree fruit
8 grower has to control diseases, it is
9 perceived now that it would be a severe impact
10 for those growers to remove this material,
11 over something as simple as "Well, we don't
12 have an OFPA category for it."

13 MEMBER WEISMAN: Can I also make one
14 more comment about the lack of OFPA
15 categories, which might make your dilemma feel
16 a little less difficult.

17 The lack of -- there is no OFPA
18 category for allowed naturals, or allowed
19 agricultural products, but those categories do
20 exist on the list. There is some precedent
21 for their being categories.

22 MEMBER DAVIS: The allowed category

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1 -- we summarize that when we say is there an
2 OFPA category. It refers to exempted
3 synthetics. Is there a category of exempted
4 synthetics that this fits into, and that's
5 where we're struggling.

6 Although, you know, I feel for the
7 growers that, you know, I have tree fruit
8 growing in my background, and I don't
9 currently do that right now.

10 But I know that there's not a lot of
11 material that they have to use to control
12 fungus diseases and things like stone fruit,
13 peaches and apricots.

14 This is one of their mainstays which
15 we didn't realize as a committee, as part of
16 our thinking process. That's only come to
17 light now at this meeting in some of the
18 comments that we received subsequent to the
19 recommendation.

20 MEMBER OSTIGUY: One question that I
21 would have, which will also come up a little
22 bit later, I know more about that particular

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1 item. Is there a way for the particular
2 diseases that they are attempting to control
3 with the hydrated lime, for that to be
4 addressed by species selection, variety
5 selection of the stone fruits?

6 You know, there are more and less
7 susceptible varieties. Sometimes that applies
8 for a particular product that we're using,
9 that if we selected a less susceptible variety
10 we'd be better off.

11 That is supposed to be something we
12 do up front, in order to reduce the need for
13 things like this, and that's actually my
14 question, is do we have any information about
15 whether or not variety selection could reduce
16 the need?

17 CHAIRMAN O'RELL: Angie?

18 MEMBER CAROE: Well, the only
19 comment I would have about that is that we're
20 looking at sunset. We're looking at growers
21 that have trees in the ground. You're talking
22 about three years before a peach tree starts

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1 producing again, a new tree is going to start
2 producing.

3 So it's three years without our
4 grade of peaches if we do that.

5 MEMBER OSTIGUY: I mean, I
6 understand that, but if you're not -- you're
7 not going to eliminate or even reduce the use
8 of this material, if you just continue to
9 renew it on the list.

10 MEMBER CAROE: My point is well,
11 unless you were to get a petition and re-list
12 it with an annotation or --

13 MEMBER OSTIGUY: But there are
14 wholly natural alternatives. That's part of
15 my point. If, and I'm not saying -- I don't
16 know this. I don't know if there are
17 varieties that can address this.

18 CHAIRMAN O'RELL: Jeff and then Joe.

19 MEMBER MOYER: Yes. In many cases,
20 Nancy, there are varieties that are less
21 susceptible. The committee talked about that,
22 and as Andrea mentioned, there is this time

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1 delay, particularly with perennial tree fruit
2 crops, where you have a three to five year
3 time delay between when you plant the tree and
4 when you can begin to harvest fruit.

5 But we also understood your dilemma
6 that, as long as this is on the list, it
7 discourages folks from seeking out either the
8 varieties that do exist or pursuing the
9 development of new varieties.

10 So that it is a difficult situation
11 for us, with these fruits that take so long to
12 come to fruition. And also with a lot of the
13 tree fruits, for better or for worse,
14 consumers tend to buy by name, and a lot of
15 the varieties that they're asking for are not
16 on the list of disease-resistant cultivars.

17 CHAIRMAN O'RELL: Joe?

18 MEMBER SMILLIE: Yeah, I've had a
19 lot of experience with scab-resistant apple
20 trees, and it takes years and years of
21 breeding and development, and then --

22 It takes years of breeding and

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1 development, and then oftentimes you'll breed
2 an apple tree that will be scab-resistant,
3 which is a big, big problem on the East Coast
4 for organic apples.

5 You'll get a scab-resistant tree.
6 It will get out into trials, and they'll find
7 out that well, it's more susceptible to cedar
8 rust than it was to apple scabs. So it takes
9 years and years of breeding and development,
10 and then oftentimes other problems occur.

11 Fungus is a really difficult issue
12 to deal with, especially in wet climates. I
13 know East Coast growers are just -- that's a
14 continual battle, to deal with the various
15 different fungus problems.

16 Colorado, though, has got a better
17 break. Usually California's doing well, but
18 when it rains a lot in California, then they
19 have the same problem.

20 It is a long-term solution to work
21 for disease-resistant trees, but it's just
22 that it takes a lot of time because of the

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1 perennial nature and things like that.

2 I can tell you this: No tree fruit
3 grower likes spraying this stuff. This is --
4 I mean, if they can find solutions, they will
5 grab at them, because this is nasty stuff to
6 live with. It corrodes your equipment. It's
7 a real pain.

8 MEMBER MOYER: Well, not only that.
9 There's no residuals, so you have to spray.

10 MEMBER SMILLIE: You've just got to
11 be out there all th time.

12 CHAIRMAN O'RELL: You need to be
13 recognized, because we have -- if you're going
14 to speak, put your hand up, because otherwise
15 we've got Arthur here and then we have Hugh
16 would like to make a comment. So Arthur, Hugh
17 and then Jeff, I'll come back to you if you
18 want. Arthur?

19 MR. NEAL: Arthur Neal, National
20 Organic Program. I also just want to remind
21 everyone that as part of the Advanced Notice
22 of Proposed Rulemaking for this sunset

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1 process, one of the key items that we stressed
2 we needed was economic impact data.

3 Because you've got an industry that
4 used this for five years that's now relying on
5 it. In order for us to get this rulemaking
6 done in time, we have to know the impact that
7 this is going to have on their particular
8 sector that has used this material for the
9 past five years.

10 This particular material has come
11 through properly. The comments say "Let's
12 renew it." We've got a recommendation to not
13 renew it, but we don't have any data to
14 support not renewing it.

15 So I just want to remind you that
16 economic impact data was requested in that
17 Advanced Notice of Proposed Rulemaking,
18 because we have to justify every decision that
19 we make thoroughly.

20 That's why this sunset process is so
21 complex, because it entails other areas just -
22 - other than the technical side.

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1 CHAIRMAN O'RELL: Hugh, then Kevin.

2 MEMBER KARREMAN: This hydrated lime
3 is an interesting thing, because we're going
4 to talk about it in livestock too when we get
5 to it, but part of the problem in livestock,
6 just momentarily, is that you cannot apply it
7 to the ground, certified organic ground.

8 And yet now we're also considering
9 applying it to trees for whatever the problem
10 is. There's some inconsistency here.

11 CHAIRMAN O'RELL: Kevin?

12 MEMBER ENGELBERT: I agree, Hugh.
13 That's another point that I was going to make.
14 But I also want to respond to Arthur. We
15 looked for economic impact data, and like Jeff
16 said, we found very little comment, very
17 little information to go on.

18 It's just been a problem for us to
19 know what to do with it. It's a mined
20 substance, it's a mineral, but it's heated to
21 a thousand degrees and processed. We're
22 unsure about the heavy metal content of it,

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1 and we just weren't sure what to do with it.

2 We didn't want to open up another
3 can of worms by putting it some place it
4 shouldn't be.

5 CHAIRMAN O'RELL: Gerald.

6 MEMBER DAVIS: In response to Nancy
7 and your resistant variety question, now in
8 every tree fruit variety I've ever seen, when
9 they talk about resistance, it's never
10 complete resistance. It's just a matter of
11 degrees.

12 The other thing is that for peach
13 and apricot, you know, stone fruit growers,
14 they grow a multitude of varieties, from early
15 to mid- to late-season varieties, to give them
16 as long of a season as possible.

17 You know, it's a lot of varieties in
18 some cases. So to find a variety that's
19 resistant enough to resist the disease in all
20 time slots, it gets pretty complicated to tell
21 them "Well, just find the resistant
22 varieties," when the resistance is not

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1 complete anyway for things like brown rot, you
2 know, which basically either rots the blossoms
3 off before they ever make a fruit, or later
4 on, rots the fruit so it's unmarketable.

5 MEMBER OSTIGUY: Uh-huh, uh-huh.

6 CHAIRMAN O'RELL: Any other
7 comments?

8 MEMBER GIACOMINI: I was just
9 wondering if Gerald -- Gerald?

10 MEMBER DAVIS: Yes.

11 MEMBER GIACOMINI: Could you discuss
12 or do you have anything to say regarding
13 Hugh's statement on applying it on cropland?

14 MEMBER DAVIS: I'm not sure I
15 understand your question.

16 MEMBER GIACOMINI: The statement
17 that Hugh made regarding not being able to
18 apply hydrated lime on cropland. Is there any
19 implications in, that you could discuss on
20 that in this regard?

21 MEMBER DAVIS: The information
22 provided to us from some comments point out

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1 information that pertains to that, Hugh, where
2 they mention that the use rates of hydrated
3 lime for plant disease control is typically
4 ten pounds per acre applied several times,
5 maybe three, four times, during the infection
6 periods for the disease.

7 They add up to only, you know, 30,
8 40 pounds per acre per season, whereas a soil
9 application rate, which is not allowed, would
10 be much -- many orders of magnitude greater
11 than that, to provide any change or economic
12 benefit to the grower.

13 MEMBER KARREMAN: Why is it not
14 allowed for soil amendment in general?

15 MEMBER DAVIS: Because of its
16 reactivity and synthetic nature, you know. It
17 has to be a specific reason for allowing it
18 for exempted reasons, and because it's a
19 synthetic and it is reactive in the soil
20 environment, it has too many things going
21 against it, I guess, for having it on the list
22 in general as a fertilizer. That would be my

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1 opinion, at least.

2 CHAIRMAN O'RELL: Gerald, did the
3 committee, looking at the comments that came
4 in from PCO and they had talked about the --
5 well one, that they said the removal of one of
6 the very few limited options should not be
7 made without further consideration and input
8 from organic fruit growers.

9 They also addressed the concern that
10 you had for the OFPA category, and did you
11 read that comment there?

12 MEMBER DAVIS: I had not read that
13 yet.

14 CHAIRMAN O'RELL: I would suggest
15 that the committee certainly consider that,
16 and have their point of view on the record.

17 MEMBER DAVIS: CCOF, that certifier
18 also provided an extensive comment on hydrated
19 lime, that covers those areas too. But I
20 didn't read this particular one.

21 CHAIRMAN O'RELL: Okay. I guess my
22 concern is that the majority of commenters

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1 were in favor of continued use, and it seems
2 to be that it's hung up in the committee,
3 mostly because of categorizing from OFPA.

4 It seems to be that there is a
5 recognized need out there, from what I'm
6 hearing from public comments. So I'm
7 concerned that do we have enough from the
8 committee to justify not renewing this
9 product?

10 MEMBER DAVIS: In my opinion, now
11 that the additional input has come in, I don't
12 think we have enough justification to not
13 renew it. I haven't heard from you on that,
14 Jeff, but --

15 MEMBER MOYER: No, I agree. If we
16 were to have this vote today, this vote would
17 not come out this way within our committee.

18 MEMBER KARREMAN: Are we having this
19 vote today?

20 CHAIRMAN O'RELL: Well, we're going
21 to have the vote this afternoon. So, and
22 that's the purpose of the discussion. So am I

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1 hearing now that there's a committee thought
2 of changing the recommendation or a --

3 MEMBER MOYER: I can only speak for
4 myself, but in my -- as a member of that
5 committee, I would vote to renew it today,
6 having heard all those comments which weren't
7 available to us when we did this.

8 CHAIRMAN O'RELL: Okay, and that's
9 all part of the process, which is good.

10 MEMBER DAVIS: So we will need to,
11 as a committee, convene to craft the changes
12 in the recommendation, and see how the vote
13 comes before the full board.

14 You know, based on that
15 recommendation, I think there's enough
16 evidence that it's probably the more likely
17 way it will turn out, is that it will be
18 renewed rather than not renewed.

19 Okay. Next substance category of
20 uses, algicides, disinfectants and sanitizers,
21 including irrigation system cleaners, and as
22 plant disease control, hydrogen peroxide.

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1 This is similar to the hydrated lime
2 question. The biggest thing is where do we
3 fit this in in a synthetic exemption category
4 within OFPA, which is why it was deferred.

5 The technical evaluation report for
6 hydrogen peroxide shows that the substance
7 does not occur naturally, but poses no true
8 threat to the environment because it easily
9 breaks down into water and oxygen, or hydrogen
10 and hydroxol (ph), depending on pH.

11 The potential uses of this material
12 are many. The concentrated material is quite
13 caustic to people handling it, but as used in
14 the field and its effect in the environment,
15 it's considered relatively innocuous material,
16 because of its -- it breaks down to just
17 totally natural materials very, very quickly.

18 There are no known cases of hydrogen
19 peroxide causing environmental contamination.

20 All public comments except one were in favor
21 of keeping hydrogen peroxide on the national
22 list.

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1 This was a lone dissenter that again
2 was against synthetics in general, but didn't
3 really justify their position and how it
4 violated OFPA. Most commentators agree that
5 there are no known adverse impacts on humans
6 or the environment from either the use or
7 manufacture of hydrogen peroxide.

8 Most of the commenters stated that
9 there are no other similar products available
10 that are more compatible with organic crop
11 production practices, and that the
12 availability of hydrogen peroxide probably
13 lessens damage to the environment and harm to
14 humans, by lowering the amount of toxic
15 substances used as alternative measures.

16 Regarding whether the OFPA provides
17 an exemption category that would permit
18 hydrogen peroxide to be considered for
19 inclusion on the national list, the NOP
20 provided feedback to the NOSB that hydrogen
21 peroxide could be considered a production aid
22 under Section 6517 of the OFPA.

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1 As a result, hydrogen peroxide would
2 be eligible for continued use in organic
3 production. The committee recommendation was
4 to renew the material. Any discussion?
5 Kevin?

6 MEMBER ENGELBERT: I'd just like to
7 go on record as saying I think it's one of the
8 most underused, invaluable resources that
9 organic farmers have, in not just crop
10 production but also in livestock and
11 sanitation.

12 MEMBER DAVIS: Okay. The next
13 material, as plant disease control,
14 streptomycin and oxytetracycline for fire
15 blight control in apples and pears.

16 Several commenters were proponents
17 of keeping the materials on the list. Upon
18 subsequent Crops Committee contacts with these
19 commentators, as well as several organic pear
20 growers and crop consultants in Washington and
21 California, is it clear that there is
22 extensive support for the continuation of

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1 these materials on the list.

2 The fire blight disease is deadly to
3 pear trees, and all of the growers and
4 consultants surveyed had tested the
5 alternative materials listed in the technical
6 evaluation report.

7 All had the opinion that the
8 alternative materials mentioned were very much
9 below the efficacy of streptomycin and
10 tetracycline, and did not prevent fire blight
11 to a high enough degree to keep trees from
12 succumbing to the disease.

13 One commenter noted streptomycin and
14 oxytetracycline for removal from the list,
15 mentioning two of the alternative materials
16 alluded to above, which would be Blight Ban or
17 Serenade as viable control options.

18 Some commenters objected to any
19 synthetics being used in organic production.

20 Reviewing the technical evaluation
21 reports for these two materials shows that
22 both materials are created by streptomyces

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1 soil bacteria, through natural processes, and
2 are produced in commercial quantities through
3 a fermentation process, with subsequent
4 chemical processes to isolate and purify the
5 substance produced by the bacteria.

6 Tetracycline is presumed to undergo
7 a chemical change from the natural
8 oxytetracycline to calcium oxytetracycline.
9 It was unclear to the reviewer if streptomycin
10 undergoes a chemical change during the
11 manufacturing process.

12 I won't read all the summary of the
13 environmental effects, although the usual
14 concern with this material involves the
15 concern about this, these materials being
16 sprayed in the environment on plants might
17 have a crossover effect of causing cross
18 resistance in bacteria that can be transferred
19 to bacteria that infects humans, which would
20 therefore render these antibiotics no longer
21 useful for use in humans for disease
22 prevention.

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1 Some of the EPA data mentioned in
2 the technical evaluation report pointed out
3 that as far as human consumption of these
4 antibiotics on fruit, that there has never
5 been any detectable residues found. Probably
6 they attribute that to the fact that it's
7 always used during bloom, you know, many, many
8 days pre-harvest, and not used throughout the
9 season to where there could be a chance of
10 residue left on the fruit.

11 In actual practice, you know, the
12 pre-harvest intervals are 30 days on pears and
13 50 days on apples, as far as the EPA
14 regulations, what they're allowed.

15 But in actual practice, in
16 Washington state the usual interval between
17 the last application at bloom time of
18 oxytetracycline and calcium on organic pears,
19 the usual interval is 90 plus days, depending
20 on the variety.

21 The information provided in the
22 report and subsequent information from

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1 commenters gave ample documentation that the
2 materials are in the environment very briefly,
3 and degrade from UV light exposure very
4 quickly, in the order of one to three days,
5 depending on the material.

6 A wholly natural substitute product
7 mentioned in the report is noted above, along
8 with one other that was noted by a commenter.

9 Other already-allowed substances that could
10 be substituted are peracetic acid and copper
11 materials, such as Bordeaux mix.

12 The tendency for fruit scarring and
13 cracked from copper use on apples and pears,
14 especially Bosque pear, is well-documented,
15 and is avoided by growers by using it at pre-
16 bloom only, whereas the bloom period is the
17 usual time of fire blight infection.

18 No known crop label formulation of
19 peracetic acid is available at this time.

20 The comments that I received, and I
21 say "I" because I wrote the recommendation and
22 gathered a lot of the information, but the

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1 comments were submitted in writing
2 subsequently from a couple of sources.

3 Talk about just how devastating it
4 would be to the growers if we removed these
5 materials, and there seems to be a lot of
6 passion on both sides, as far as those who say
7 antibiotics in organic production is a no-no,
8 should never happen, and they have a
9 philosophical position against it.

10 Whereas the economic impact to these
11 growers would be extreme, and you know, as a
12 former tree fruit grower myself, I can testify
13 that I have watched trees die, my own trees
14 die from this disease. It is dreadful, a
15 dreadful, dreadful disease.

16 So I can appreciate the passion with
17 which the growers come and try to support the
18 continued use of it, because pears are --
19 particularly pears, but even apples, are very,
20 very difficult to control this disease.
21 Discussion?

22 CHAIRMAN O'RELL: Bea?

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1 MEMBER JAMES: First of all, thank
2 you Crops Committee for all your work on all
3 of these different substances. I just want to
4 ask if you could elaborate a little bit, so
5 that I can understand how there's a
6 justifiable argument for the use of
7 antibiotics in crops, when there is not a
8 justifiable argument for the use of
9 antibiotics in livestock?

10 MEMBER DAVIS: Some of the data that
11 was given to us, and some of it just recently,
12 just yesterday actually, point out two studies
13 that talk about antibiotic use in livestock,
14 you know, for meat production.

15 There has been documented cases of
16 crossover contamination in the environment,
17 however you call it, to where they can track
18 antibiotic usage in livestock production to
19 antibiotic resistance in humans, because of
20 that use in livestock.

21 Because it's in the meat, it's
22 consumed by humans and it's much more direct

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1 contact to provide that change. I don't know.

2 I'm losing the words. But in this case, used
3 this way on plants, it is never been supported
4 or documented that This is a way that is
5 likely to happen.

6 MEMBER JAMES: The followup on that.

7 CHAIRMAN O'RELL: Followup, and then
8 Nancy.

9 MEMBER JAMES: Okay. However, I
10 think with just the spirit of organic, that
11 the use of antibiotics, whether it's directly
12 with animals or whether it's on soil, or in
13 the air, I think that the concern that I've
14 heard, especially from Rebecca yesterday, was
15 that it goes against the basic fundamental
16 principles of organic practices.

17 MEMBER DAVIS: A lot of -- one
18 comment I had that I've noticed in this is a
19 lot of this is in semantics and what we call
20 these materials. On a technical basis, these
21 materials have an OFPA exemption category as
22 toxins derived from bacteria.

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1 We call them antibiotics because
2 they are used in animals, in humans, ingested
3 and they provide systemic control of diseases
4 in us.

5 This use is truly a topical
6 application on apples, far removed from that
7 whole environment of problems that are
8 associated with antibiotic use in livestock
9 and humans.

10 So it's because of the wording
11 that's used, they're called antibiotics. In
12 my opinion, these materials get lumped in a
13 different category than some of the other
14 biological materials we use already that are
15 well-accepted, like BT materials, the other
16 biological control materials, which are all
17 toxins derived from bacteria.

18 Why we don't call those antibiotics
19 is because they're not used in humans or
20 livestock, and ingested for controlling
21 diseases, in my opinion.

22 CHAIRMAN O'RELL: Nancy.

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1 MEMBER OSTIGUY: I actually don't
2 have a philosophical objection to the use of
3 antibiotics in organics. What I do object to
4 strongly is the prophylactic use of any
5 antibiotic.

6 We don't allow any in animals
7 because of the residue. Those residues that
8 we know, you know, that are measurable, that
9 we can do that tracking of antibiotics used in
10 animals and then antibiotic resistance showing
11 up in humans, is with prophylactic use, or use
12 for growth promotion.

13 This particular use is prophylactic.
14 It is used prior to disease demonstrating
15 itself. When Zee and I were talking about
16 this, she was saying "Well, if you had it last
17 year, you're going to have it this year, but
18 it hasn't shown up this year."

19 Disease, as we defined it, it has to
20 have symptoms that are showing today, versus
21 at subclinical levels. We all have in our
22 bodies -- it would be very doubtful that it

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1 would be impossible to extract from any one of
2 us at any particular time anthrax spores.

3 But we don't have enough anthrax
4 spores in us to cause disease. So the
5 presence of the disease organism is not
6 sufficient, in my mind, to say that we should
7 use an antibiotic. So you don't use it until
8 you have a disease.

9 Now I will fully grant you that in
10 this particular instance, once the disease
11 presents itself, it's too late. But
12 philosophically, what we have going on here is
13 the prophylactic use of an antibiotic, and in
14 the same way that we can get antibiotic
15 resistance as a result of the abuse of
16 antibiotics in livestock animals, we can see
17 the same kind of resistance occurring with
18 bacteria because of the spread of this in the
19 environment.

20 MEMBER DAVIS: Can I respond to her
21 comment?

22 CHAIRMAN O'RELL: You respond, and

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1 then I have Jeff.

2 MEMBER DAVIS: Growers and
3 professionals working in the, you know,
4 university and other professionals working in
5 the tree fruit industry would challenge that
6 it's a prophylactic use.

7 Prophylactic use would be to apply
8 it every three days during the entire bloom
9 period, to protect against the infection,
10 whether it's going to happen or not. What
11 they do is they use disease prediction models,
12 various names in Maryland. I think it's
13 called marablight, and in Washington I think
14 they call it cougar blight.

15 They're very specific disease
16 modeling prediction models that tell the
17 grower the conditions are now right for
18 infection; go spray.

19 So instead of 10 to 15 applications
20 stretched out every three days to keep a
21 prophylactic coverage, which they can't really
22 afford to do anyway, they are able to limit

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1 their sprays to, in comments I received, was
2 two to three in a usual year; in a bad year
3 maybe four to five.

4 It's all based on these prediction
5 models that say when there is potential,
6 because again, they cannot wait until they see
7 it. By then, it is in the tree.

8 It moves systemically and you have
9 varying degrees of damage; in some varieties
10 as much as complete tree death eventually. It
11 doesn't happen that year but it just continues
12 and continues until the branches wilt down and
13 die.

14 MEMBER OSTIGUY: I'd like to respond
15 to that.

16 CHAIRMAN O'RELL: Yes Nancy.

17 MEMBER OSTIGUY: I disagree with you
18 that that's not prophylactic use. That is
19 actually the definition of prophylactic use,
20 is you predict when you need it and you use it
21 before you see the symptoms.

22 I fully agree, that in this

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1 situation, you can't wait to see the symptoms
2 if you're going to actually have anything
3 efficacious.

4 But it is still prophylactic use.
5 You still have a situation where you are
6 putting antibiotics out into the environment
7 that are used to control human health
8 diseases, and you can look at or you can get
9 cross-resistance.

10 Then these particular, and we're
11 having trouble with these two particular
12 antibiotics with human diseases. We're unable
13 to use them. The CDC has gone on record as
14 opposing the use of streptomycin and
15 oxytetracycline in conventional crop
16 production. Why should we be different in
17 organic crop production?

18 CHAIRMAN O'RELL: Jeff?

19 MEMBER MOYER: Yes. I would say the
20 issues that are coming up are exactly --

21 CHAIRMAN O'RELL: Hugh, then Arthur.

22 MEMBER MOYER: --what we struggled

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1 with on the committee. I mean there were many
2 of us, or several of us, that wished the
3 materials had never been on the list in the
4 first place.

5 But now that they are on there, you
6 know, the economic impact, the data that we
7 were getting from the growers was that they
8 could not survive at all without this. So
9 that's what we were responding to.

10 MEMBER KARREMAN: I'd just like go
11 on record as agreeing completely with Nancy
12 Ostiguy on this, and that on the whole topic
13 of antibiotic use in organic agriculture,
14 especially prophylactically, is prohibited.

15 How I wish we could use antibiotics
16 occasionally therapeutically in livestock. I
17 realize we're talking about crops, but you
18 know, if there's CDC data saying there's
19 cross-resistance or whatever, I just don't --

20 I just can't vote to allow it or to
21 continue to allow it, Because in livestock,
22 one of my main things, and I'm fascinated by

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1 it, is to come up with natural treatments for
2 diseases in living creatures, so I don't have
3 to use an antibiotic.

4 I think that's a lot harder and a
5 lot more demanding than for crops, in a sense,
6 I mean for living creatures.

7 So I would think that if I'd been
8 challenged and I can come up to a point where
9 I hardly ever use an antibiotic for an animal
10 -- I will occasionally -- that animal has to
11 be removed.

12 I would think that in the Agronomy
13 Departments of all the land grants in this
14 country, they could come up with alternatives
15 to these two substances for use.

16 MEMBER DAVIS: But they haven't.

17 MEMBER KARREMAN: Well, they haven't
18 and you know, they haven't technically in
19 livestock either, but I'm trying, and I
20 imagine there would be good, you know, people
21 who have organic in their heart that will try
22 to find alternatives.

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1 If this stays on the list, that is
2 -- the incentive to find alternatives is not
3 there. I have no alternatives for
4 antibiotics. Therefore, the incentive is
5 there for me to study and practice with
6 natural treatments.

7 CHAIRMAN O'RELL: Arthur, I think
8 you wanted to make a comment, and then the --

9 MR. NEAL: I just wanted to add,
10 for your own knowledge, that when you make
11 these type of decisions, always try to make
12 sure that we ground ourselves in OFPA as well,
13 because if I'm not mistaken, OFPA mentions
14 antibiotic use, Particularly in livestock
15 production.

16 Not so with crop production, and
17 even in its restriction of antibiotic use in
18 livestock production, it references growth
19 promotion and also some therapeutic use.

20 So I just wanted to add that to the
21 record for your thoughts and consideration.

22 MEMBER DAVIS: Thank you, Arthur.

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1 Bea?

2 MEMBER JAMES: Well, first of all, I
3 just have to point out that yesterday we were
4 talking about yeast as a form of livestock, so
5 I think that it's pretty broad when we say
6 that application to tree to deal with a fungus
7 is, for some reason, a specialized case, as
8 opposed to livestock.

9 Then also I wanted to say that my
10 understanding of prophylactic use does not
11 mean that it necessarily has to be a three-day
12 application. The concentrations can be so
13 significant that the application stays on for
14 up to two weeks.

15 Therefore, you have your
16 prophylactic application, according to your
17 argument, Jerry. But I do -- I think that
18 people also would be -- I mean we've talked a
19 lot about consumer perception at this meeting,
20 and I think that people, we have to take into
21 consideration.

22 But if the public knew that we were

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1 applying antibiotics to crops, that that would
2 not be well-received.

3 MEMBER DAVIS: Can I respond to
4 that?

5 CHAIRMAN O'RELL: Gerald can
6 respond, and then Andrea and then Dan.

7 MEMBER DAVIS: The statement there
8 about using high enough rates to make it last
9 up to two weeks is not accurate. These
10 growers are constrained to application rates
11 at a certain rate, and they're only allowed to
12 use that much, and it's very, very expensive
13 material.

14 To just put it on at three to four X
15 rates to make it last longer is illegal and
16 prohibitively expensive. But I do have,
17 within the comments handed to me at the
18 meeting, a statement about the cross-
19 resistance of antibiotics -- to antibiotics,
20 from a Ph.D. plant pathologist.

21 If I could read it, it would be
22 useful, I think. First, they point out that

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1 there are 50 million pounds of antibiotics
2 used annually in the U.S., according to this
3 statement, used in humans and/or livestock.

4 Of that, the amount of antibiotic
5 used on these plants is 0.1 percent of that 50
6 million pounds. "Resistance in three human
7 pathogens -- camphilobacter (ph), salmonella
8 and *e.coli* has been directly linked to use of
9 antibiotics in the production of animal
10 products.

11 "Despite more than 30 years of use
12 in plant agriculture, there has been no
13 documentation of resistance development in
14 pathogens of humans from plant use.

15 "The major concern regarding plant
16 use of antibiotics is that organisms exposed
17 to antibiotics in the orchard and field
18 environment will transfer antibiotic
19 resistance to pathogens of humans.

20 "However, it is well-known by
21 microbiologists that for successful bacterial
22 conjugation to take place, both species of

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1 bacteria must successfully co-exist in a
2 similar environment.

3 "Conjugation between bacterial
4 species endemic in the outdoor ecosystem and
5 human pathogens is unlikely Because conditions
6 suited to the survival of each species ensures
7 the destruction of the other.

8 "Bacteria that live on fruit and
9 vegetables surfaces are quickly destroyed in
10 the gastric environment. conversely, with the
11 possible exception of some strains of
12 salmonella in protected microenvironments,
13 human pathogens are quickly destroyed when
14 exposed to the outdoor environment.

15 "Additionally, antibiotics in the
16 outdoor environment are quickly photo-
17 oxidized. Efficacy of antibiotics against
18 plant pathogens persist for less than 72 hours
19 post-application, because of rapid
20 degeneration in the field environment."

21 That is from Roberta Spitko, Ph.D.,
22 Plant Pathologist, New England Fruit

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1 Consultants, Montague, Massachusetts. It was
2 submitted to the program as comments in 2000,
3 shortly after the materials were added to the
4 list the last time.

5 CHAIRMAN O'RELL: Andrea.

6 MEMBER CAROE: I just want to point
7 out in the TAP review it clearly states that
8 there are no reason to believe that there's
9 any antibiotic residues on the fruit. So it's
10 not going to transfer.

11 It also clearly states that line 320
12 of the streptomycin that EPA has found no data
13 indicating that streptomycin pesticide
14 residues remaining in food supply would have a
15 significant or even measurable potential for
16 increasing resistance to that drug through
17 oral exposure.

18 It goes on further to say that EPA
19 recognizes that there's a potential risk to
20 agricultural workers developing antibiotic
21 resistance, but then goes on and says that
22 this is lessened by the re-entry time on the

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1 label.

2 This is all according to label use,
3 and organic growers are not exempt from label
4 use requirements, and I want to reiterate, you
5 know, my dealing with growers, and I do deal
6 with growers on a daily basis, you know, smart
7 growers that stay in business don't use these
8 things unless they have to, because it's money
9 out the door. It's the profit margin
10 disappearing.

11 CHAIRMAN O'RELL: Okay. I have Dan,
12 Kevin and then Nancy.

13 MEMBER GIACOMINI: In looking at
14 these issues, and in looking at how I would
15 evaluate them, two things that came to me was
16 reasonableness and consistency.

17 On the reasonableness side, I am
18 very conscious and aware of the implications
19 to the growers to lose these items, and it
20 would bother me very much to do that.

21 On the other hand, in spite of even
22 the information that Andrea just read, on the

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1 consistency side, when we look from the
2 livestock perspective, if we're prohibited
3 from giving a shot of antibiotics to a day-old
4 calf on the perception that has some effect on
5 the milk two years later, I have a hard time
6 with the consistency, you know, in continuing
7 to allow the product.

8 This will be -- I have no idea right
9 now how I'm going to vote. This will
10 certainly be something I will be ruminating on
11 over lunch.

12 CHAIRMAN O'RELL: Kevin.

13 MEMBER ENGELBERT: I just wanted to
14 add one other thing to the things that Nancy
15 and Bea and Hugh and Jeff has said, that
16 hasn't been mentioned.

17 One of the reasons that I was the
18 "no" vote, I'm not convinced that even though
19 the EPA said there's no detectable residues,
20 that that is actually the case. The human
21 body is sensitive to substances in levels of
22 parts per trillion, and we are unable to

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1 measure that.

2 I'm not convinced that these
3 materials aren't absorbed by the tree, and do
4 end in the fruit. I do have the philosophical
5 problem with using antibiotics in organic
6 production. A thorn by any other name is
7 still a thorn.

8 CHAIRMAN O'RELL: Thank you, Kevin.
9 Nancy?

10 MEMBER OSTIGUY: Well, and I
11 actually don't have that philosophical
12 disagreement.

13 MEMBER ENGELBERT: I do.

14 MEMBER OSTIGUY: I fully agree that
15 the EPA has not found and probably would not
16 find antibiotic residues on the fruit. That
17 is not my concern.

18 My concern is antibiotic resistance
19 that develops within the environment, and we
20 do have examples of that. The CDC has gone on
21 record, that this is not a minor issue.

22 When we start -- unfortunately,

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1 we're taking different disciplines' viewpoints
2 and putting them -- and crossing over into
3 fields where individuals have more and less
4 information.

5 If we want to know about resistance
6 that is going to show up to human pathogens,
7 talking to a plant pathologist, with all due
8 respect, that's not the group of people that
9 we want to talk to.

10 We want to talk to physicians,
11 public health people more importantly. Those
12 are the ones that if we're looking at the
13 resistance issue to human pathogens, that's
14 where we go, and the CDC has gone on record
15 being concerned about the use of tetracycline
16 and streptomycin in conventional agriculture.

17 Using it in organic agriculture, in
18 exactly the same way that we would use it in
19 conventional agriculture, albeit a smaller
20 use. Animals are the bigger issue. It's
21 still a concern.

22 The CDC was specifically talking

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1 about antibiotic use as a pesticide. They
2 were not talking about it in animal use when
3 they expressed their concern.

4 CHAIRMAN O'RELL: Could anybody with
5 the access get something off the web, off of
6 what their statement is?

7 MEMBER OSTIGUY: We actually have
8 it.

9 CHAIRMAN O'RELL: Oh, we do.

10 MEMBER OSTIGUY: It's from the
11 material that Rebecca gave us.

12 CHAIRMAN O'RELL: I've got Andrea
13 and then to --

14 MEMBER KARREMAN: All right, that's
15 fine. That's only a technicality.

16 CHAIRMAN O'RELL: Then Hugh.
17 Andrea?

18 MEMBER CAROE: I just -- I agree
19 Nancy, that if we were looking at this
20 material for the first time, talking to CDC
21 and considering that, that would be very
22 important.

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1 But this is sunset, and I think the
2 plant path people have a lot to do with
3 whether, what the impact is on taking this
4 material off the list.

5 MEMBER OSTIGUY: And I agree with
6 that. In terms of the impact, it's severe.

7 MEMBER CAROE: And that's, you know,
8 I mean I think it takes a lot to handicap this
9 part of the industry, and the plant path
10 people, if they have no alternatives and this
11 is death to stone fruit.

12 MEMBER KARREMAN: Yes, pears. Just
13 a technicality here. It says that this -- to
14 renew this on the committee report it has
15 Kevin Engelbert moving to renew it, and it
16 doesn't sound like you --

17 MEMBER ENGELBERT: No. I moved to
18 vote.

19 MEMBER OSTIGUY: Yeah. That's
20 different.

21 MEMBER KARREMAN: I'm sorry.

22 CHAIRMAN O'RELL: Okay. Bea?

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1 MEMBER JAMES: Okay. This is just -
2 - I just finished my first year on the board.

3 Just for clarification, is our role to be the
4 gatekeepers of the organic integrity for the
5 sake of organic integrity, or for the sake of
6 the economy? Can somebody answer that
7 question?

8 MEMBER DELGADO: I think it's both.
9 It's a balancing act, and what I would like
10 to suggest, if our mandate allows it, is to
11 adopt an aggressive or an active position, to
12 recommend to the research institutions around
13 the country or the world, to develop specific
14 alternatives for the items in the list that we
15 think are the ones that are creating the most
16 problems.

17 But I don't think we should
18 eliminate these products right now, because we
19 believe they're -- they have a certain degree
20 of risk, just on those grounds. We have to
21 weigh in the importance to the economy, and
22 the benefit of the farmers in the short term.

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1 In the long term, we should be
2 looking for other options. I mean, how do we
3 encourage those? That's my question.

4 CHAIRMAN O'RELL: Kevin.

5 MEMBER OSTIGUY: We do have a
6 mechanism for that.

7 MEMBER ENGELBERT: I'd be responding
8 to an earlier comment.

9 CHAIRMAN O'RELL: I have Andrea.

10 MEMBER CAROE: Okay. I just want to
11 respond to you, Bea. I think the role is
12 different in sunset. I really -- I think that
13 acting on the concerns are much more important
14 in sunset than they are in the initial
15 consideration of a material.

16 So I don't feel that we're on the
17 same ground as this board has looked at
18 materials in the past. At this point, we have
19 absolutely got to consider economic and
20 availability of these products, and continue
21 to keep them on the market, Because the effect
22 is enormous.

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1 So I don't feel it's a compromise to
2 organic integrity, but it is a shift a bit,
3 when we're considering continuation of a
4 material on the list.

5 CHAIRMAN O'RELL: Hugh?

6 MEMBER KARREMAN: To answer Rigo, I
7 think we've already done that with methionine
8 for poultry. There's been a kind of mandate
9 set up by I forget what date, but there's
10 active research going on because of what the
11 NOSB has, you know, decided to ask the
12 community to do.

13 CHAIRMAN O'RELL: That was, you
14 know, that during not a sunset, but that was
15 during the approval of a petitioned substance
16 in terms. If we are, as Andrea said, if we're
17 -- it is different from sunset to reviewing a
18 petition for a substance to be allowed or
19 prohibited to the national list.

20 MEMBER OSTIGUY: But we don't need
21 to tie it to the sunset, to say --

22 CHAIRMAN O'RELL: Correct.

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1 MEMBER OSTIGUY: --the board has a
2 recommendation that we need to get more
3 research done in this area.

4 CHAIRMAN O'RELL: Absolutely.

5 MEMBER OSTIGUY: And I think we
6 probably should do that, at an absolute
7 minimum.

8 CHAIRMAN O'RELL: We can go on
9 record with that. Yes, I agree.

10 MEMBER SMILLIE: I agree with that,
11 and I just checked with Miles McEvoy from
12 Washington State, and their recommendation
13 there, and they're one of the states with the
14 most knowledge and experience with this.

15 The recommendation is to continue
16 it, but they're actively looking at new
17 biologicals, that hopefully we'll be able to
18 replace it. So I think everybody's comments
19 are coming to the same thing. We want to put
20 a real tether on this one.

21 We're going to renew it for sunset,
22 but we're going to serve serious notice that

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1 it's on its way out and we need to develop the
2 replacements for it.

3 CHAIRMAN O'RELL: Hugh and Bea.

4 MEMBER KARREMAN: Still -- okay.

5 CHAIRMAN O'RELL: I think he had
6 you.

7 MEMBER KARREMAN: Yes. But the
8 nature of the topic, that word "antibiotic,"
9 is a ball and chain to whatever substance is
10 declared an antibiotic for whatever reason,
11 even if it's a misnomer.

12 We saw all the charts yesterday up
13 there, and the number one reason consumers buy
14 organic is the lack of antibiotics used in
15 assumably the system --

16 MEMBER SMILLIE: In the product.

17 MEMBER OSTIGUY: In the product.

18 (Simultaneous discussion.)

19 MEMBER KARREMAN: I'm just saying
20 it's a loaded word.

21 CHAIRMAN O'RELL: And just a point.

22 I think that Hugh, if we were looking at

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1 these items today as petitioned items to go on
2 the national list, all of those things would
3 be valid.

4 We have a substance that's been in
5 use for five years. We have concerns about
6 it, and those concerns should be stated in the
7 record and addressed. But we're hearing from
8 growers there is tremendous economic impact at
9 this time not to renew.

10 MEMBER KARREMAN: What if, though,
11 there were residues found upon the fruit in
12 the next two years?

13 CHAIRMAN O'RELL: That's different.

14 MEMBER KARREMAN: And we renew this.

15 CHAIRMAN O'RELL: Somebody can
16 petition with new evidence --

17 MEMBER KARREMAN: No, in media, in
18 the press, in the public, and we renew it now.

19 MEMBER OSTIGUY: What if you found
20 out that glycerine is a carcinogen?

21 CHAIRMAN O'RELL: Okay. Bea.

22 MEMBER JAMES: Okay. I guess my

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1 concern is that yes, I understand that this is
2 a part of sunset. Sunset comes around every
3 five years. So we're renewing it for five
4 years, and this is a question for the NOP.

5 Is it possible to put forth a
6 recommendation that we would like to have it
7 taken off of the list within two years?

8 MEMBER OSTIGUY: That's an
9 annotation.

10 MEMBER SMILLIE: That's an
11 annotation.

12 MEMBER OSTIGUY: Arthur.

13 MEMBER SMILLIE: We can't --

14 CHAIRMAN O'RELL: Arthur, do you
15 know?

16 MR. NEAL: Okay. With any
17 substance, you can renew for sunset and
18 clarify, deal with later. Anybody can
19 petition it the day after it's renewed, to get
20 it off the list.

21 MEMBER JAMES: I think I would like
22 -- I think that that needs to be written into

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1 this recommendation.

2 MR. NEAL: Well, the thing -- I mean
3 the thing to clarify, you don't want to put it
4 in the recommendation.

5 The thing that we really want
6 everybody to understand is that sunset, though
7 it has the potential for the substance being
8 on the list for five years, doesn't mean that
9 it's going to stay on the list for five years.

10 I mean the board may find an issue
11 with it, and ask somebody to petition to have
12 it removed. You know, it's a process of
13 assessing the continued need for the use of a
14 substance.

15 CHAIRMAN O'RELL: Is there any
16 additional conversation, discussion along this
17 line, or should we move on? I think we've --

18 MEMBER OSTIGUY: Beat it to death?

19 MEMBER DAVIS: I did have something
20 I wanted to read as far as stating towards the
21 economic impact.

22 CHAIRMAN O'RELL: Okay.

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1 MEMBER DAVIS: Material that was
2 submitted to the NOSB previously. This
3 references some losses of trees and economic
4 losses in recent history.

5 In 1998, apple and pear growers in
6 Washington and Northern Oregon suffered an
7 estimated \$68 million in losses due to
8 outbreaks of fire blight caused by the
9 organism.

10 Since 1997, approximately 500,000
11 pear trees have been destroyed in the Po
12 Valley of Italy, which is the major pear
13 production area of the world, in an effort to
14 eradicate fire blight.

15 These are all, you know, have
16 footnotes as far as where these references are
17 coming from.

18 Another 580,000 pear and apple trees
19 were destroyed in Romania between 1993 to
20 1997, and 340,000 pear and apple trees were
21 destroyed in Croatia since 1995, in efforts to
22 halt the spread of fire blight in those

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1 countries.

2 This is a year 2000 article. So
3 they're referencing stuff between the mid-
4 1990's through 2000, as far as losses.

5 CHAIRMAN O'RELL: Move on.

6 MEMBER DAVIS: Moving on. To finish
7 this, the committee did recommend to renew the
8 materials at this point, on a split vote
9 obviously.

10 Okay. As plant or soil amendments,
11 aquatic plant extracts, the alkali extraction
12 of aquatic plant extracts.

13 They were deferred because there
14 were questions that were raised, which
15 included what are the manufacturing processes,
16 what do the extractants and stabilizers do to
17 the product, and are there non-synthetic
18 aquatic plant products available.

19 Seaweed extracts can be produced
20 from live, fresh plants using potassium
21 hydroxide or sodium hydroxide, which are
22 called alkalis in general. Potassium

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1 hydroxide is the more preferred material due
2 to concerns about the possible negative
3 effects of sodium on the intended crops.

4 The raw plant parts are digested in
5 the presence of the alkali, to break open the
6 cell walls of the plants. Some manufacturers
7 use pressure in this part of the process; some
8 do not.

9 It is claimed that the high pressure
10 environment allows the extraction of the cell
11 contents of the kelp with less alkali, without
12 the reduced yield of vital plant compounds
13 that occurs by raising the temperature of the
14 process, which is another way of aiding in the
15 extraction.

16 After extraction, the insoluble
17 fraction of the mixture is filtered out, and
18 the liquid is either stabilized with an acid
19 such as phosphoric, or dried to form a soluble
20 powder, without acid stabilization.

21 Liquid formulations would be
22 overtaken with bacterial growth if the pH were

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1 not lowered to around 3.5. Natural acids such
2 as citric are not able to accomplish this in
3 the high pH alkali-type extracts.

4 The alkali extraction process does
5 produce some chemical reactions in the raw
6 material, although the complexity of the
7 chemical mixtures found naturally in the plant
8 material would make it almost impossible to
9 quantify all of the chemical changes. This is
10 according to the technical evaluation report.

11 Clearly, the extraction and
12 stabilization of liquid kelp extracts in the
13 alkali process does change the amount of
14 potassium in the finished product, versus the
15 raw plant, and would change the amount of
16 phosphorous if a liquid material were allowed.

17 One manufacturer commented that
18 their process does not use more alkali than
19 necessary to produce the proper consistency of
20 extract, and no more phosphoric acid than
21 necessary to lower the pH of the extract to
22 the exact point they need.

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1 They contend that the recommended
2 use rates for their material is considerably
3 less than one percent of the typical crop's
4 nutritional need would be supplied.

5 To go beyond their use rates in
6 order to obtain a fertilizer benefit from the
7 material would be cost-prohibitive to the
8 grower, and possibly detrimental the crop, due
9 to the natural amount of sodium found in kelp
10 and/or seaweed.

11 Their comments are in response to
12 concerns that fortification with synthetic
13 nutrients might be occurring, rather than
14 simply extraction and stabilization of the
15 product.

16 In answer to the question about are
17 there non-synthetic aquatic plant products
18 available, there is a product that would
19 involve mechanical or physical disruption or
20 pulverization of the seaweed. The liquid
21 extracts are separated from the solids and
22 stabilized with natural acids, and/or acetic.

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1 As described by the manufacturers,
2 these materials would be considered non-
3 synthetic. The component of plant growth
4 substances in these products is said to be
5 somewhat different than the alkali-extracted
6 products.

7 I won't go on with that. The
8 aquatic plant extracts used in organic crop
9 production are completely unique in some of
10 their beneficial attributes for crops.

11 There are no substitute products
12 that provide the same benefits to growers.
13 They are somewhat unique even when comparing
14 the benefits of alkali extracts versus the
15 non-alkali extracts.

16 The Crops Committee recommends the
17 renewal of the material aquatic plant
18 extracts, other than hydrolyzed extraction
19 processes, limited to the use of potassium
20 hydroxide or sodium hydroxide solvent use is
21 limited to that amount necessary for
22 extraction. Discussion?

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1 MEMBER JAMES: Gerry, I have a
2 question. I know that Armory has made several
3 attempts to communicate their position. I was
4 wondering if you could give your reaction to
5 their comments regarding aquatic plant
6 extracts?

7 MEMBER DAVIS: Yes. I responded to
8 them in writing on their concerns. I wish I
9 had brought that statement, to sort of be a
10 little more complete. But the gist of it was
11 that I appreciate their concern, that we need
12 to have a delineation of what amount of
13 extraction is allowed.

14 So we just don't have high amounts
15 of potassium and hydroxide being used to
16 produce a, you know, a potassium fertilizer
17 that's synthetic, for use in organic
18 production.

19 The materials are used -- I pointed
20 out to them that the materials are used as a
21 use rate of half a pound to a pound per acre
22 per treatment, and that to get a true

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1 fertilizer response from that potassium, you
2 would have use it in the order of probably 15
3 to 20 pounds to get a true benefit.

4 At the cost of the material, that
5 would be close to \$100 per acre per
6 application. That would have to be done
7 multiple times to fertilize the crop for
8 potassium.

9 Whereas there's potassium sulfate is
10 an allowed natural that is far, far cheaper
11 than that. That's what growers would use if
12 they needed to supplement for potassium.

13 I appreciate their concern that
14 there's not funny stuff going on with the
15 amount of extractant used, and that we should
16 put a limit on it, and that's something that
17 could be annotated by petition, to get
18 specific guidelines in place.

19 But it wouldn't be our place to
20 throw out the material and take off the alkali
21 extracted products from the organic list in
22 sunset. You know, they should address their

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1 concerns through petition and annotation,
2 rather than let's drop it from the list
3 because of that concern.

4 MEMBER SMILLIE: No, I agree with
5 Gerry. I've had a lot of experience using the
6 material, and you don't fully apply potassium
7 anyhow.

8 I don't think the fear there that
9 we're using an artificial fertilizer, sneaking
10 in an artificial fertilizer, is justified on
11 any grounds at all. So I agree with you
12 Jerry, and the recommendation of the
13 committee.

14 Obviously, we need to tighten up and
15 have more knowledge of the manufacturing
16 process, which is continually evolving.
17 There's a lot of different ways and there's
18 new materials being used, like potassium
19 carbonate, and that one gets petitioned.

20 So I think we can deal with the more
21 knowledge on the material through the
22 petitioning process.

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1 MEMBER DAVIS: Are we done? Getting
2 down there. Another material as a plant or
3 soil amendment, humic acids.

4 Many commentators requested to keep
5 humic acids on the national list. Two
6 specific comments expressed concern about
7 losing their ability to use water-extracted
8 humic acids in their products that they make
9 and sell to growers.

10 They were concerned that their
11 water-extracted humic acid would be dropped
12 from the list, along with alkali-extracted
13 versions. This would not be the case, since a
14 true water-extracted humic acid from a natural
15 source, with no synthetic ingredients added,
16 would by definition be allowed and would not
17 need to be on the list.

18 The NOSB deferred the vote from the
19 November 2005 meeting on humic acids in this
20 form, the alkali extracts, until further
21 information is obtained concerning the
22 availability of water-extracted humic acids,

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1 which would be a wholly natural substitute.

2 A technical evaluation report was
3 provided to the NOSB, in order to arrive at an
4 appropriate recommendation.

5 The report described the
6 manufacturing processes of alkali-extracted
7 humic/folic acid, folic being a component of
8 the material, as well as the uses and benefits
9 of the substances.

10 The report gave no evidence of any
11 harmful or adverse effects to the environment,
12 agro-ecosystem or human health. No water
13 extracted humic acid materials were described
14 in the report.

15 Search of the scientific literature
16 on humic acid and comments elicited from four
17 separate humic acid producers suggests that
18 leonardite coal, typically used to make humic
19 acids, will not solubulize in water to any
20 significant degree without adding the alkali
21 materials for extraction purposes.

22 Subsequent Crops Committee contact

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1 was made with the commentators mentioned
2 above, to seek more information on their
3 water-extracted product. The Colorado-
4 produced water-extracted humic acid explained
5 that their product is extracted from peat.

6 When asked about the humic acid
7 content of their product, they provided
8 analytical lab test results of the material.
9 Unfortunately, the submitted lab result
10 document did not contain any statement as to
11 the humic and/or folic acid content of the
12 material, but merely listed the fertilizer
13 content, such as NP&K (ph).

14 When asked about the absent data,
15 the producer said they have not been tested
16 for humic or folic acids, but only plant food
17 content. This producer further explained that
18 their product is marketed as a blended
19 component of several products, and that it
20 also includes ingredients, other materials
21 such as glucose and enzymes.

22 The amount of humic substance

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1 applied as a component of their products is
2 typically about three ounces per acre, and are
3 intended to improve soil health through
4 enhancement of soil biology, but not as the
5 soil amendment use as listed in the technical
6 evaluation report.

7 By comparison, the typical crop
8 application rates of humic acid of the alkali-
9 extracted sort range from one to five gallons
10 per acre for soils, and one to two pints per
11 acre for foliar use.

12 The Crops Committee makes no
13 statement as to the validity of this product
14 or other possible water-extracted humic acids.

15 This discussion is offered only in
16 order to show that this particular water-
17 extracted humic acid product available to the
18 marketplace does not represent a functional
19 replacement material for the alkali-extracted
20 humic acid.

21 Further comments are welcome by the
22 committee as to the availability of any water-

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1 extracted humic acids that may be functionally
2 equivalent, wholly natural substitutes for the
3 alkali-extract materials.

4 Based on the comments received and
5 the subsequent checking on the true nature of
6 the water extracted humic acids that were
7 alluded to, the Crops Committee recommends the
8 renewal of the following substance: humic
9 acids, naturally occurring deposits, water and
10 alkali extracts only. Discussion?

11 CHAIRMAN O'RELL: Can we hear from
12 the minority?

13 MEMBER ENGELBERT: That would be Mr.
14 No again.

15 MEMBER OSTIGUY: Kevin, you can't be
16 Mr. No, because those are my initials.

17 (Laughter.)

18 MEMBER ENGELBERT: You're Mrs. No.

19 MEMBER CAROE: You're married.

20 MEMBER OSTIGUY: No, no. I am Dr.
21 No.

22 (Laughter.)

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1 MEMBER ENGELBERT: Word play here.
2 We had so much to go over that I wasn't
3 comfortable with this. It didn't seem like an
4 essential material for organic production. I
5 just wanted to be sure there was Discussion
6 about it, because I think I still need to
7 learn a lot about it.

8 In my research, I couldn't find any
9 farmer that used it that thought it was
10 absolutely essential for organic production,
11 and I just couldn't learn enough about it in
12 the short length of time I had to work on it.

13 CHAIRMAN O'RELL: Was there anything
14 that was brought up to light in the public
15 comments that caused any concern in your
16 thinking?

17 MEMBER ENGELBERT: I have misplaced
18 my notes. I thought I brought them with me,
19 and so I don't remember that there was.

20 CHAIRMAN O'RELL: Gerald, was there
21 anything in the public comments that would --

22 MEMBER DAVIS: I think on this

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1 issue, the reason we deferred it was because
2 in looking at the public comments, we picked
3 up these references to water-extracted humic
4 acids.

5 So really the reason they were
6 deferred is to investigate well, these
7 commenters are referring to these water-
8 extracted humic acids. We'd better check on
9 them and see is there a wholly natural
10 substitute, and that's really the only --
11 there was no negative reason for taking that
12 vote.

13 MEMBER OSTIGUY: I have the same
14 recollection, that it was purely because of
15 the mention of the water extracted, and what
16 that would have meant is we could have taken
17 it off the list, because then it would have
18 been a natural process, etcetera. So that was
19 the direction. It was not an interest in
20 changing the annotation.

21 CHAIRMAN O'RELL: Okay, thank you.
22 Any other Discussion?

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1 Hearing none.

2 MEMBER DAVIS: Moving on. Category
3 of use as plant or soil amendments, and also
4 as flotation agents in post-harvest handling,
5 lignin sulfonates.

6 The question of whether there are
7 non-synthetic alternatives to lignin
8 sulfonates as plant or soil amendments as an
9 issue during the sunset process consideration.

10 Lignin sulfonates are used
11 extensively as a key leading agent for
12 micronutrients in liquid fertilizer
13 formulations approved for use in organic
14 crops.

15 However, no information was supplied
16 in the public comment to suggest any non-
17 synthetic alternatives for this very common
18 use of the material. Citric acid is a non-
19 synthetic material that is considered to have
20 a weak, chelating effect when used for this
21 purpose, but is not directly comparable to the
22 level achieved with the lignin sulfonates.

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1 The lignin -- on that side, the
2 lignin sulfonates are also used a dust
3 suppressants on roadways and can be used that
4 way on organic farms, which in arid regions of
5 the country like California, they are facing
6 more and more regulations, environmental
7 regulation on minimizing dust and the
8 particulate counts in the air.

9 So farmers are targeted as producers
10 of dust. So it would have a possible
11 regulatory effect on organic growers in those
12 areas, where they face dust control
13 regulations.

14 Regarding floating agents in post-
15 harvest handling, the use for that purpose, a
16 comment was received suggesting that physical
17 agitation, bubblers, etcetera, could work as
18 an alternative practice to the lignin
19 sulfonate use.

20 Subsequent comments received, after
21 checking on this, received, disputed that the
22 use of physical agitation works in the

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1 handling of pears, which is the significant
2 use of the flotation agent.

3 Part of this is pears are heavier
4 than water and they add a couple of different
5 materials to the water to make the pears
6 float, so they can get them onto their packing
7 lines.

8 The committee recommendation, the
9 Crops Committee recommends renewing the
10 following material to the following categories
11 of use: As plant or soil amendment, and as
12 being lignin sulfonate as a kelating agent,
13 dust suppressant, flotation agent, and also as
14 floating agents in post-harvest handling. The
15 committee vote was 3 to 1.

16 CHAIRMAN O'RELL: Joe?

17 MEMBER SMILLIE: Yes. Again, I
18 would agree with that. There's more uses than
19 that. It's also used as a seed coat a lot in
20 the Midwest.

21 I would like to point out one of the
22 issues with it is not a U.S. issue, but it is

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1 a Codex issue. It's not allowed in Codex and
2 under the arrangement with Japan, U.S.
3 producers are not allowed to ship products to
4 Japan that have used lignin sulfonate.

5 It's one of the three items on the
6 "no go" to Japan list. So not that that needs
7 an annotation or anything, but it's just an
8 awareness thing, that U.S. producers who do
9 use it would not be allowed under the TM-11
10 export arrangement or under JAS certification
11 to use that material.

12 CHAIRMAN O'RELL: Did you want to
13 weigh in, Kevin?

14 MEMBER ENGELBERT: Yes. I was the
15 dissenting "no" vote again, for the same
16 reasons as before. As Jeff and I talked, we
17 want to keep organic and in some respects, we
18 wish all these materials were off the list and
19 had to be petitioned to be brought back on.

20 So we had more time to learn mor
21 about them, because they just don't seem
22 essential to organic production, and I don't

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1 see how allowing them differentiates organic
2 production and processing from conventional.

3 I think we're maybe betraying the
4 public's trust with some of these substances,
5 and I just wasn't comfortable rubber-stamping
6 them or giving them an approval without some
7 discussion from the whole board.

8 CHAIRMAN O'RELL: Andrea.

9 MEMBER CAROE: Just a kind of
10 overview statement about this. It isn't our
11 job in sunset to reconsider -- we have to
12 respect the previous board's decision. Acting
13 on new information is one thing. Overturning
14 a previous board's decision is not what we're
15 about.

16 So I'm all in favor of considering
17 any alternatives that have been approached,
18 any new information that's come to light in
19 the last five years.

20 But overturning a previous board's
21 decision I think it's really disrespectful of
22 the previous board members, and I don't want

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1 to do that.

2 CHAIRMAN O'RELL: Nancy.

3 MEMBER OSTIGUY: My question is
4 actually to Joe. If they use the lignin
5 sulfonate as a dust suppressant so it's not on
6 the crop, would that affect it, their ability
7 to export?

8 MEMBER SMILLIE: Good question. I'd
9 have to look --

10 MEMBER DAVIS: Depending on the
11 buffer zone Joe, wouldn't it?

12 MEMBER SMILLIE: Yeah, I guess.
13 Japanese regulations are whole different
14 kettle of fish.

15 MEMBER OSTIGUY: Okay. I was just
16 asking.

17 MEMBER SMILLIE: Maybe it's a
18 different approach to it. I think the
19 objection was primarily because they went to
20 Codex, and for whatever reasons, Codex didn't
21 allow it.

22 I can't remember the history of it,

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1 but it just came up as a "we'll accept
2 everything you do, but not these three
3 things." We go "Okay, fine." These three
4 things aren't allowed. So I can find out more
5 about the history, but --

6 CHAIRMAN O'RELL: Jeff.

7 MEMBER MOYER: I just wanted to go
8 on record as saying I supported what Kevin was
9 saying, and in our discussions in the
10 committee, we both really want to keep organic
11 organic, and have the --

12 If these materials were coming up,
13 being petitioned to be put on the list, I
14 would have voted no to not put it on the list.

15 But in support of what Andrea is
16 saying, we do respect what form of words have
17 done, and the fact that there was no new
18 information, coming up to say it had to be
19 removed.

20 I voted to, in this initial
21 document, to keep it on the list, but do very
22 much support what Kevin is saying.

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1 MEMBER ENGELBERT: That's where
2 we're coming from. We just wanted to --

3 MEMBER MOYER: Plus Kevin and I were
4 also very short on the learning curve when
5 Gerry dumped this on us. It was like --

6 MEMBER OSTIGUY: And you guys are
7 doing great.

8 CHAIRMAN O'RELL: Yeah. You guys
9 absolutely did --

10 MEMBER MOYER: It was a lot of
11 material to read in a very short period of
12 time, so it really was trial by fire.

13 CHAIRMAN O'RELL: For each of you,
14 as new board members, and I've seen board
15 members over the last five years, and I can
16 say that you guys have been participating up
17 at a par that exceeds past experience. So
18 that's very welcome.

19 MEMBER SMILLIE: We appreciate that.

20 MEMBER ENGELBERT: Yes. Thank you.

21 MEMBER DAVIS: And I feel pretty new
22 too.

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1 (Laughter; simultaneous discussion.)

2 MEMBER DAVIS: It's not that we've
3 structured our role, but there was method to
4 our madness, so to speak. We just want to
5 make sure we were handling things properly.

6 CHAIRMAN O'RELL: That's fine. I
7 appreciate that for the record. Hugh?

8 MEMBER KARREMAN: I guess I just
9 want to say that we do need to respect the
10 past board's decisions. We need to have
11 continuity. We need to know the history of
12 the board.

13 But I certainly do not feel bound to
14 not overturn a previous board decision. I
15 just want to put that on the record.

16 CHAIRMAN O'RELL: Well, and I'm not
17 going to speak for Andrea, but I think what
18 Andrea is saying that without information,
19 we're here for the public, and during the
20 sunset process, that's when the public input
21 comes in.

22 So if there's no new public

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1 information and the public supports an item,
2 and there's nothing new out there to say we
3 shouldn't go forward with it, then I do think
4 there's some credence to the past.

5 MEMBER KARREMAN: In this context,
6 yes. But I mean in general, there could be
7 policy decisions made three years ago that are
8 going to change each year.

9 CHAIRMAN O'RELL: No, no, no.
10 Things always change and evolve. I think her
11 comments were related to sunset.

12 MEMBER KARREMAN: Agreed.

13 CHAIRMAN O'RELL: Okay. Last
14 material.

15 MEMBER KARREMAN: You've still got
16 one?

17 MEMBER DAVIS: Last one.

18 CHAIRMAN O'RELL: Okay.

19 MEMBER DAVIS: Category of use as
20 another flotation agent in post-harvest
21 handling, sodium silicate.

22 The only comment on sodium silicate

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1 received during the sunset comment period in
2 August 2005, a question of whether the
3 material was being used by anyone any more.

4 The commentator, a certifier from
5 the upper Midwest, stated that they had never
6 been asked about the material by any fruit
7 growers, and suggested that it may be removed
8 from the list. The material was deferred in
9 order to find out if the material is still
10 used by any organic operations.

11 Subsequent Crops Committee contact
12 with the Washington State Organic Program, the
13 certifier in the largest tree fruit growing
14 region in the U.S., discovered that it is used
15 as a flotation agent by approximately two-
16 thirds of their certified growers, who use
17 these type of materials.

18 The other one-third is currently
19 using lignin sulfonate. The actual number of
20 growers in their program that are using either
21 material was not disclosed. The contact at
22 the Washington program stated that these

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1 growers would like to continue using the
2 materials, which are used to float pears.

3 Some public comment was received by
4 the committee, verbal comments from subsequent
5 contacts with some of these growers that the
6 Washington program alerted us to, and they
7 repeated the same feeling that "Yeah, we need
8 a flotation agent. We'd like them to keep
9 being on the list."

10 So the Crops Committee recommended
11 renewing the following material to the use
12 category as floating agents in post-harvest
13 handling, sodium silicate. Discussion?

14 CHAIRMAN O'RELL: So in this case,
15 Gerry, do I understand that we have two
16 substances that do the same thing?

17 MEMBER DAVIS: Yeah.

18 CHAIRMAN O'RELL: Is there a
19 distinction between the people who are using
20 sodium silicate and those who couldn't use
21 lignin sulfonate?

22 MEMBER DAVIS: I didn't pick up on

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1 that at all. I think possibly. I mean I
2 could be speaking out of turn, but it did seem
3 to me --

4 CHAIRMAN O'RELL: I mean, to me this
5 is a case where maybe you have two items that
6 do the same function. But I'm not sure if we
7 have that level of knowledge here to make that
8 decision. But that would be my concern.

9 MEMBER DAVIS: And I don't know if
10 there are any of the tree fruit growers from
11 the West Coast here, that would use these kind
12 of materials. That might be kind of a
13 longshot, because it's pretty specialized
14 usage.

15 Perhaps the fact that the lignin
16 sulfonate has so many more uses, and could be
17 used as a flotation agent. That might cause
18 the board to lean towards removing it. But
19 we'd have to change it, a lot of things.

20 CHAIRMAN O'RELL: Well for me, it's
21 just a question, because I'm not going to
22 shoot from the hip on something. But it just

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1 seems like we have two materials that do the
2 same thing, and it sounds like if they don't
3 use one, they could use the other, and it's
4 just a question. Joe?

5 MEMBER SMILLIE: I might have some
6 more information after lunch. I've, you know,
7 contacted WSDA and hopefully we might be able
8 to answer that, we can get some information on
9 that before we vote.

10 CHAIRMAN O'RELL: I think that would
11 be helpful to know.

12 MEMBER SMILLIE: Yes.

13 MEMBER DAVIS: We'll get that.

14 CHAIRMAN O'RELL: Hugh?

15 MEMBER KARREMAN: At voting time, do
16 we still have some discussion? Like when the
17 motion is made --

18 CHAIRMAN O'RELL: Yes. There will
19 be a motion, it will be seconded, discussion,
20 vote.

21 MEMBER KARREMAN: Okay, good.

22 MEMBER DAVIS: That's all I have.

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1 CHAIRMAN O'RELL: Gerald?

2 MEMBER DAVIS: That concludes the
3 Crops Discussion, yes.

4 CHAIRMAN O'RELL: Thank you.

5 MEMBER OSTIGUY: Good job.

6 CHAIRMAN O'RELL: Good job.

7 MEMBER KARREMAN: Very good job.

8 (Applause.)

9 CHAIRMAN O'RELL: Got to get back to
10 my agenda, to see who's on the hot seat.

11 MEMBER MOYER: Livestock.

12 CHAIRMAN O'RELL: Livestock. Hugh?

13 MEMBER KARREMAN: I'd put you on the
14 hot seat, Gerald, so now it's my turn.

15 MEMBER DAVIS: I'll go easy on you.

16 MEMBER KARREMAN: Hey, whatever it
17 takes.

18 MEMBER DAVIS: Feedback.

19 Livestock Committee Report

20 MEMBER KARREMAN: Okay. As acting
21 chair for Livestock right now, since Chairman
22 Lacy (ph) is not here, I've been asked to

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1 present these materials for consideration and
2 discussion at this point.

3 So the first one is the -- we're
4 looking at synthetic substances allowed for
5 use in organic livestock production under the
6 category use as feed supplements, 205.603(c),
7 2(c). We're looking at milk replacers.

8 Okay, committee summary. Several
9 commenters supported the continued listing of
10 milk replacers. One commenter requested the
11 continued listing of non-organic milk
12 replacers, since organic milk replacers or
13 their equivalent are available.

14 The Livestock Committee agrees with
15 the commenter, who indicated organic milk
16 replacers or their equivalent are available,
17 and thus non-organic milk replacers no longer
18 need to be on the national list.

19 The Livestock Committee believe milk
20 replacers can be removed from the list without
21 adversely affecting organic livestock
22 production.

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1 So the committee recommendation,
2 based upon the comments received, we recommend
3 to not renew milk replacers with their
4 annotation, or should I just say milk
5 replacers, since we're not doing annotations?

6 MEMBER CAROE: The listing.

7 MEMBER KARREMAN: The list, leave it
8 as is?

9 CHAIRMAN O'RELL: As listed.

10 MEMBER CAROE: As listed.

11 MEMBER KARREMAN: As listed, okay.
12 The vote was 4 to 0 and one abstention.
13 Discussion?

14 CHAIRMAN O'RELL: Andrea?

15 MEMBER CAROE: There seemed to be a
16 lot of public comment on this. Did that bring
17 any new light to your consideration? I mean,
18 I did hear public comment on it, and
19 truthfully, I hadn't been up to speed on your
20 recommendation at that point.

21 But did the commenters that gave
22 public testimony give you any new information

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1 or any reason to reconsider your committee
2 decision?

3 MEMBER KARREMAN: I don't think so.

4 I can tell you that some comments that were
5 received by me at farmer's meetings across the
6 country clearly indicated that there was no
7 need for it.

8 That's directly from dairy farmers,
9 overwhelmingly like because regular milk, kind
10 of waste milk, is used for calves on organic
11 dairy farms.

12 MEMBER CAROE: Okay. Well, I guess
13 --

14 MEMBER KARREMAN: Yes, okay. I saw
15 you Nancy.

16 CHAIRMAN O'RELL: Nancy.

17 MEMBER OSTIGUY: At least my
18 understanding of the comments was "Well gosh,
19 don't take it off the list because we might
20 need it, maybe. I'm not sure though."

21 That seemed to be what Jim was
22 saying, and then the subsequent comments were

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1 "Well yeah, we were going to say it was okay
2 to take it off the list. But since Jim said
3 maybe we should keep it, we'll go long with
4 that."

5 So there really didn't seem to be
6 much information, other than "Well, should we
7 take it off the list, because if we do, then
8 if we need it, we won't have it," and it
9 didn't seem to have a use.

10 CHAIRMAN O'RELL: I've got Julie,
11 Dan, Joe.

12 MEMBER WEISMAN: It was PCO,
13 Pennsylvania Certified Organic, did address
14 this issue in their comments that were read
15 yesterday, and it seems like they do continue
16 to receive requests for the emergency use of
17 milk replacer and approve it when they agree
18 that it's necessary. They say that there are
19 not organic equivalents available in their
20 region.

21 MEMBER KARREMAN: I would ask -- I
22 would like to know and maybe Leslie in here,

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1 what --

2 MEMBER WEISMAN: Actually, I think
3 Emily signed this comment.

4 MEMBER KARREMAN: Well whoever from
5 PCO --

6 MEMBER WEISMAN: Could Emily speak
7 to this?

8 MEMBER KARREMAN: --what the
9 emergency uses were for, because to -- like I
10 mentioned yesterday, emergency is an unplanned
11 event requiring immediate attention. Usually,
12 when you have to go to certifier and ask
13 things, it takes a little while.

14 So I'm kind of wondering what the
15 emergency use was. Someone from PCO in here?

16 EB: Yes.

17 MEMBER WEISMAN: Yes. Emily's
18 coming.

19 CHAIRMAN O'RELL: We'll ask Emily to
20 come up to respond to that, but before -- as
21 you're coming up, Dan?

22 MEMBER GIACOMINI: Being on the

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1 Livestock Committee, my feeling was uncertain
2 at first. I did go along with the vote. In
3 the public comment that did ask for it to be
4 retained, PCO and also Kelly Shea, I believe,
5 requested that it stay on.

6 The discussions in the committee was
7 that we couldn't see an emergency use that
8 justified it, so why not take it off? In
9 light of the public comment, I go kind of back
10 to my original feeling. Whereas since it does
11 have such a restricted annotation, there's no
12 harm in having it on there.

13 For the emergency situation, even if
14 it's a case where the power went out for three
15 hours in the morning and the truck came before
16 the guy could get the calf milk out of the
17 tank, and something else was going on and they
18 couldn't -- didn't feed the calves in time
19 that day, I know there are --

20 The vast majority of commercial milk
21 replacers on the market probably do contain
22 BST, but I know there are communities and

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1 markets where the processor restricts and does
2 not allow the use of BST.

3 A lot of those do offer their
4 producers the opportunity of buying whole milk
5 powder, and that would not have BST in it. So
6 in light of all that information, I'll be
7 changing my vote this afternoon.

8 MEMBER KARREMAN: However, that's
9 milk powder. That's not necessarily milk
10 replacer, and maybe we need to have a
11 definition of what milk replacer is.

12 Because milk powder -- I mean milk
13 replacer is, you know, can be conjured up in
14 many different ways.

15 MEMBER WEISMAN: Right.

16 MEMBER KARREMAN: But milk powder is
17 different. I mean that's just powder with --
18 milk power and water. I don't know if that's
19 really replacer or not.

20 (Simultaneous Discussion.)

21 CHAIRMAN O'RELL: Emily, for the
22 record.

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1 MS. BROWN-ROSEN: Oh, my name?
2 Emily Brown-Rosen from Pennsylvania Certified
3 Organic. I put this comment in because we do
4 get requests from farmers, and we are asked to
5 review products that are milk replacers.

6 For a long time, there was never one
7 that was acceptable that was identified. But
8 we recently identified one that is, and the
9 ingredients seemed to be acceptable.

10 So I agree, it would be a very rare
11 use that would be -- that they wouldn't be
12 able to use organic milk. There would have to
13 be some extreme situation. So we allow it on
14 a case by case -- you know, they have to
15 individually get approval every time they want
16 to use it, and we have to document the
17 emergency.

18 So what I had put in here was such
19 things as mother dies during birth, somehow
20 there's no other milk available, some kind of
21 big disease outbreak, rabies, fires, you know.

22 It would be real extreme that would be the

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1 emergency.

2 MEMBER KARREMAN: Just quick. Do
3 they -- is it usually, do they ask before they
4 use it or after they use it?

5 MS. BROWN-ROSEN: They're supposed
6 to ask before. Yeah, if they used something
7 afterwards --

8 MEMBER KARREMAN: That's what
9 they're supposed to do.

10 MS. BROWN-ROSEN: Yeah, yeah. Joe?

11 MEMBER SMILLIE: Well, I need
12 clarification on a couple of points. If we
13 approve the continued use of milk replacer,
14 can we put these restrictions on, that it
15 doesn't contain all of the things that we
16 heard so much about the last two days from the
17 dairy community, that they want a real strong
18 organic law and walk the extra mile and all
19 that stuff we heard.

20 Then we're going to allow a milk
21 replacer that contravenes it because it has a
22 number of ingredients that are --

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1 MS. BROWN-ROSEN: Yes, but why is it
2 synthetic is the question? I mean, you know,
3 we looked at this. On the list is the
4 synthetic, and what do we do? I review
5 products.

6 You know, so we've seen some that
7 come in with animal fat, blood, amino acids
8 and I've said no. But you know, the other
9 ones we've had -- but there's not real clear
10 guidance for that, other than that they're
11 otherwise prohibited in the rule, you know.

12 MEMBER SMILLIE: But we can't vote
13 on that. We can only vote to continue
14 allowing that material that you just quoted
15 with all the no-nos in it, or nothing, right?
16 Is that correct?

17 MEMBER KARREMAN: That's correct.

18 CHAIRMAN O'RELL: Or if it's
19 continued, you can come back, somebody can
20 file a petition for an annotation, and then
21 these can be addressed in committee.

22 MEMBER SMILLIE: My second question

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1 is milk from the tank considered milk replacer
2 instead of powdered milk?

3 MEMBER KARREMAN: Well that's
4 interesting. I mean no. I mean that's milk
5 from a tank. That's organic milk, and that's
6 actually what the farmers I was talking to
7 across the country, they all either use
8 hospital milk or milk they wouldn't put in the
9 tank for whatever reason, or tank milk
10 basically.

11 MEMBER SMILLIE: Wouldn't be more
12 available on an organic dairy farm than a
13 synthetic milk replacer?

14 MEMBER KARREMAN: Except in the
15 conditions that Emily had just stated, like
16 salmonella, barn fire, whatever.

17 CHAIRMAN O'RELL: Kevin?

18 MEMBER ENGELBERT: Yes. The reason
19 Hugh had that response from all the farmers in
20 the country is because there is no need for
21 milk replacer in an organic dairy. The OFPA
22 requires organic feed from the last third of

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1 gestation.

2 If a farmer has a problem with a
3 death at birth, there's always organic milk
4 available on a dairy farm. You milk at least
5 twice a day, and there's no reason milk can't
6 be taken out of the tank.

7 If an animal dies at birth, we
8 always keep frozen colostrum on hand. We can
9 thaw out and feed that animal, and there's
10 just no way to say that there is an emergency
11 need for milk replacer on an organic dairy.

12 It just -- it won't happen. You'd
13 have to -- you know, if you are fighting a
14 disease on your dairy farm, you can pasteurize
15 the milk simply by doing it on your kitchen
16 stove. You don't need to purchase any major
17 piece of equipment.

18 You can -- if you have a disease
19 outbreak, you'll be testing your animals,
20 segregating those cows that do have that
21 disease that can be transmitted to the cows,
22 and you will also have other organic milk

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1 available to feed.

2 You can go to a neighboring organic
3 farm if need be and get milk, buy milk from
4 them. But conventional milk replacers simply
5 have no need or no place on an organic dairy
6 farm, period.

7 CHAIRMAN O'RELL: Bea and Nancy, and
8 then Emily.

9 MEMBER JAMES: I have a question.
10 What percentage -- I mean it's probably such
11 a minuscule percentage -- what percentage over
12 a year would a dairy farm, and maybe Jim
13 Pierce might be able to answer this or
14 somebody else, would somebody actually use a
15 milk replacer? I mean --

16 MEMBER OSTIGUY: Kevin could answer
17 that. It's like six weeks or seven, less than
18 that, if you were going to use a milk
19 replacer?

20 MEMBER ENGELBERT: Like what, for
21 standard, bringing up a calf?

22 MEMBER OSTIGUY: For a calf, yes.

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1 MEMBER JAMES: Yes.

2 MEMBER ENGELBERT: Well, wait a
3 second. This is only for emergencies. This
4 is not for regular like feeding calves.

5 MEMBER JAMES: Right. So I mean how
6 much milk replacer, how many emergency
7 situations are there where a dairy would
8 actually -- I mean, there will probably be
9 years that could go by that you wouldn't even
10 need to use it?

11 MEMBER KARREMAN: Can I just answer
12 once here Kevin?

13 MEMBER ENGELBERT: Sure.

14 MEMBER KARREMAN: I get onto 80
15 certified farms down in Lancaster County. I
16 never see bags of milk replacer.

17 CHAIRMAN O'RELL: Nancy.

18 MEMBER OSTIGUY: Kevin, this is a
19 question for you. You said that there's never
20 a reason, and I'm ignorant about dairy farms.
21 Would the barn fire be a situation where you
22 might end up needing something, or would there

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1 still be other options?

2 MEMBER ENGELBERT: You will still be
3 milking your cows somewhere.

4 MEMBER OSTIGUY: Okay.

5 MEMBER ENGELBERT: That's a
6 hardship, there's no question about it. But
7 you're still going to have organic milk
8 available from your herd.

9 MEMBER OSTIGUY: And it's true.
10 You've got to milk those cows.

11 MEMBER ENGELBERT: And you hope you
12 don't lose the cow. And if you do, you're done
13 or you go to a neighboring farm. You know,
14 and then you'll have to develop a plan. But
15 there is no reason for it.

16 CHAIRMAN O'RELL: While Emily is
17 here, are there any other comments, questions
18 for Emily, or Emily, do you have anything in
19 final?

20 MS. BROWN-ROSEN: The only point I
21 would like to make is we do get requests
22 because of Johnes disease, and I know that,

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1 you know, we've struggled with that. I know
2 Hugh doesn't think that's a valid excuse,
3 because it's such a long-term disease to have
4 to fight.

5 You have to have a long management
6 plan to gradually reduce it. So if you have
7 Johnes without severe restriction, you would
8 be continually feeding.

9 MEMBER KARREMAN: Right. Can I add
10 to that?

11 MS. BROWN-ROSEN: So that -- but I
12 think that's what some farmers would like it
13 for.

14 MEMBER KARREMAN: Okay. Is that the
15 main reason that they ask you?

16 MS. BROWN-ROSEN: But I think that's
17 probably the main reason they're asking, but
18 we haven't granted it for that.

19 MEMBER KARREMAN: Okay. Not to talk
20 about Johnes too much, but they should be
21 testing their herds, and just simply not
22 feeding calves milk from those cows that are

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1 positive for Johnes. That's part of the
2 management.

3 MEMBER ENGELBERT: Right, and to add
4 to that, we've had two farms in New York State
5 that have had severe outbreaks of Johnes.
6 Their certifier did not allow them to purchase
7 milk replacer, and they have beaten the
8 disease without it, just by careful
9 management, testing their cows, segregating
10 that milk and being very careful how they do
11 things. They did not have to have milk
12 replacer to get a handle on that disease.

13 CHAIRMAN O'RELL: Okay. Thank you,
14 Emily. I think that's been discussed. Thank
15 you, Hugh. Next.

16 MEMBER KARREMAN: One down, three to
17 go. I think. There's one on the back. One's
18 hiding, okay. The next one is for chlorine
19 under 205.603, synthetic substances allowed
20 for use in organic livestock production,
21 category use (a) as disinfectant, sanitizer
22 and medical treatments as applicable.

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1 CHAIRMAN O'RELL: Hydrated lime?

2 MEMBER KARREMAN: No. Oh, I'm
3 sorry.

4 CHAIRMAN O'RELL: Actually, I'm just
5 keeping the order of the sunset.

6 (Pause.)

7 MEMBER KARREMAN: Okay. You raised
8 that from the record, I guess. No, okay.
9 We'll start over for hydrated lime, sorry.

10 Under 205.603, synthetic substances
11 allowed for use in organic livestock
12 production, category use (b) as topical
13 treatment, external parasiticide or local
14 anesthetic, as a --

15 Okay. This is for hydrated lime.
16 The committee summary was that several
17 commentators supported the continued listing
18 of hydrated lime.

19 One commentator objected to the
20 continued listing of hydrated lime, stating it
21 is too harsh of a chemical to allow for direct
22 contact with animals, as pest control agent,

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1 and it is hazardous to the humans who handle
2 it.

3 The committee agrees with the
4 commentator recommending that removal of
5 hydrated lime from the national list. The
6 Livestock Committee believes that there are
7 alternatives to hydrated lime, and that the
8 substance can be removed from the list without
9 adversely impacting organic livestock
10 production.

11 Therefore, the committee
12 recommendation was that the committee
13 recommends not renewing the following
14 substance of lime, hydrated, as listed. It
15 was a vote of 6 to remove it, zero to keep it.
16 Discussion?

17 CHAIRMAN O'RELL: Just --

18 MEMBER KARREMAN: I'm sorry. Go
19 ahead.

20 CHAIRMAN O'RELL: A question. in
21 terms of we had a lot of public comment
22 yesterday, discussing the need for hydrated

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1 lime, one, what are the alternatives and do
2 they address the public comment concerns for
3 taking it off the list --

4 MEMBER KARREMAN: Well, I agree.
5 There was a lot of public comment, and as the
6 listening body to the public as the NOSB, we
7 have to take that into account. I certainly
8 have and we need to discuss this topic, I
9 think at lunch time as the Livestock
10 Committee.

11 One of the alternatives would be
12 simply regular old lime that's not hydrated
13 lime. I was asked by Mike Lacy to ask
14 veterinarians, just in an open question,
15 what's hydrated lime used for, so we would get
16 a take on it as far as for health type and
17 welfare considerations.

18 It was an open question to 1,700
19 veterinarians on my list serve. I think I got
20 35 replies or so, and basically, hydrated lime
21 is used as a pH adjustment for the bedding of
22 livestock, generally near the udder, to adjust

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1 the pH so microbes find it not so good to live
2 in the bedding and therefore reduce mastitis
3 potential.

4 You could use regular lime as well,
5 but the pH adjustment is not as radical or as
6 strong. That would be an alternative, regular
7 calcium oxide from the field, or quarried lime
8 like that.

9 I don't think it's as efficacious,
10 but I think part of the problem with the
11 hydrated lime -- well, not part of the
12 problem, but I think one of the reasons it's
13 synthetic is because of the way it's produced.

14 In its production, there are certain
15 toxic substances that would be harmful to the
16 workers that are producing it. I think that's
17 under one of the OFPA considerations of the
18 seven points to look at a synthetic.

19 However, listening to the board
20 today, we are not here to re-review the
21 material in its entirety; just to see if it's
22 truly to be needed in production. So we can

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1 go to Jeff. How's that?

2 CHAIRMAN O'RELL: Nancy?

3 MEMBER KARREMAN: Or I'm sorry,
4 Nancy.

5 CHAIRMAN O'RELL: Nancy, then
6 Arthur, and then Jeff.

7 MEMBER OSTIGUY: One of the
8 commenters yesterday mentioned hydrated lime
9 being in the material that the barns are
10 painted with?

11 MEMBER KARREMAN: Whitewash.

12 MEMBER SMILLIE: That's what I was
13 going to bring up.

14 MEMBER OSTIGUY: What, and I'm
15 assuming from what his description was this
16 was a public health issue and required. If we
17 took it off the list, does that work?

18 MEMBER KARREMAN: As I said, I think
19 from the public comments yesterday, we need to
20 discuss this at lunch, and I do agree that
21 there's public health ramifications that we
22 need to strongly consider that. I didn't know

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1 it was used in whitewash.

2 CHAIRMAN O'RELL: Arthur?

3 MR. NEAL: Looking at the
4 recommendation, I think we'd have some
5 concerns over the justification. It lists
6 that the committee agrees with the commenter
7 recommending removal of hydrated lime from the
8 national list.

9 One of the questions that I would
10 have is why does the committee agree with the
11 commenter? If we're going to remove it, what
12 are going to be the alternatives in place of
13 it, because we do have the procedure that was
14 published in the *Federal Register*, that says
15 that if we're going to remove something, we're
16 definitely going to have to identify the
17 alternative that replaces it, because we need
18 that for the record.

19 Just to comment on re-reviewing the
20 substance, I mean what are you all doing?
21 You're already re-reviewing a substance. The
22 only difference is that in -- if you renew the

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1 substance, you would not change the way that
2 the substance is listed through this process.

3 If you remove -- you could
4 potentially remove a substance. That is re-
5 reviewing a substance. But in renewing a
6 substance, you would not change annotation or
7 the way that it was listed.

8 Just as you are recommending in this
9 particular recommendation to remove it, that
10 is re-reviewing a substance. If you remove
11 the substance, you really do have to justify
12 why you're removing it, in terms of
13 alternatives, why you agree with the
14 commenters and things of that nature.

15 CHAIRMAN O'RELL: I have Jeff and
16 then Dan.

17 MEMBER MOYER: Yeah. I was just
18 going to say in terms of the barn
19 whitewashing, I don't think that that's
20 relevant in terms of the way this is defined
21 as being used, Because don't as a board
22 dictate what they paint their barn with or

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1 anything else.

2 That barn treatment is strictly --
3 if we're going to get into that, then we have
4 to look at what other substitutes that we use
5 for whitewashing, even if it's an oil-based
6 paint or something with a thin --

7 I mean as a committee, we don't have
8 jurisdiction over what they paint their barn
9 with on the inside.

10 MEMBER KARREMAN: I guess you could
11 say cattle could rub up against the walls, and
12 therefore it's a topical as it is mentioned in
13 here. But you know, that's hit and miss.

14 MEMBER GIACOMINI: One of the things
15 that did come up in our discussion that I just
16 noticed that it wasn't in there, I believe
17 last night when I was looking at this again,
18 was a discussion of a contamination of the
19 hydrated lime in the manure and the
20 complications that that creates in putting
21 that manure out on the fields.

22 In light of what Gerald said

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1 earlier, I'm not sure that the general amount
2 and concentration of that hydrated lime in the
3 manure would be enough to violate the problem
4 of putting that manure out.

5 So that was one -- that was part of
6 our discussion, Arthur, that didn't quite make
7 it into the recommendation.

8 CHAIRMAN O'RELL: Bea?

9 MEMBER JAMES: Yes. Going back to
10 the whitewash. However, it's stated, Starr
11 Curtis mentioned that the whitewash was used
12 as an antibacterial, to help reduce pests on
13 walls and so wouldn't that be something that
14 would be taken into consideration?

15 Because if we look at how they clean
16 their barns and how they deal with
17 disinfecting --

18 MEMBER MOYER: Can I comment?

19 MEMBER KARREMAN: Yes.

20 MEMBER MOYER: I mean they used
21 whitewash because it's cheap. It's really
22 inexpensive. They have to paint the barn with

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1 something in order to keep it clean and
2 sanitized. That's true. So what he was
3 saying is absolutely correct. They tend to
4 use whitewash because it's very inexpensive.

5 They do have to recoat the barn --
6 it's easier to recoat the barn with this
7 periodically than it is to repaint the barn,
8 because you have to do it fairly often because
9 barns get flies and other things that make it
10 dirty. So it's inexpensive to do every two or
11 three years.

12 CHAIRMAN O'RELL: Bea?

13 MEMBER JAMES: The comment was also
14 that using an alternative would be more toxic
15 to the animals.

16 MEMBER MOYER: Well, that's what I'm
17 saying. We're not in the -- this doesn't stop
18 you from using it on your barn. If we took it
19 off the list here as a topical treatment on
20 cattle, it does not preclude you from using it
21 to treat the barn. They could still do that.
22 That's my understanding, but I've been

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1 looking for clarification.

2 CHAIRMAN O'RELL: Arthur.

3 MR. NEAL: That's what I was going
4 to comment on. This listing is as a topical
5 treatment, external parasiticide or local
6 anesthetic. This is not facility or pest
7 management.

8 MEMBER MOYER: Right.

9 MEMBER KARREMAN: Okay. So then if
10 it's used in the bedding, that's in the --
11 that's not a topical treatment either.

12 MR. NEAL: Well, what I heard
13 earlier was whitewashing a barn.

14 MEMBER KARREMAN: Right.

15 MEMBER MOYER: To get rid of animal
16 waste.

17 MR. NEAL: If we're talking about,
18 let's see, external pest control for the
19 bedding. Yes, that would matter.

20 MEMBER KARREMAN: Well, Kevin.

21 MEMBER GIACOMINI: Why is that
22 Arthur? I mean, the main use of this as a

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1 deodorizer, deodorizing animal waste is often
2 in, as I've seen it used, in tie stall barns
3 and things where they put a pretty good coat
4 of it behind the cows, to try and keep the
5 overall ammonia levels down.

6 The use that we're discussing would
7 be putting it at the back of a free stall, to
8 alter the pH, to have a bacterial effect on
9 the cow getting mastitis. Is that a
10 difference?

11 MEMBER KARREMAN: Just for the
12 record, Dan, in the tie stalls it's used for
13 the exact same way as in the free stalls for
14 the bedding. I've never seen farmers use it
15 to deodorize animal waste, okay.

16 As a matter of fact, the only two
17 things I've ever seen, the hydrated lime used
18 for, as a practitioner out there is in the
19 bedding, you know, behind the cow for the
20 mastitis control, or in a box as a powder,
21 where they walk through a topical treatment
22 for the hoof.

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1 You know, I don't see where it ever
2 is under external parasiticide or the other,
3 local anesthetic. But that's the only two
4 things I've ever seen hydrated lime used for,
5 and I guess whitewash.

6 MEMBER GIACOMINI: That's what I'm
7 asking Arthur. Is, granted that use in the
8 box is topical treatment and that's covered.
9 Is the use in the bedding covered in this?

10 MR. NEAL: The way that I'm looking
11 at it is that if you're trying to prevent pest
12 infestation of the animal through the bedding,
13 and it is an external application. It may not
14 be applying it directly to the animal, but
15 you're externally trying to prevent pest
16 infestation of that animal from the bedding.

17 MEMBER KARREMAN: I would, Arthur,
18 look at that as a -- I would take that
19 literally when I see topical treatment as a
20 veterinarian. I see that applied directly to
21 the animal, not just in its environment.

22 I would say that in the bedding

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1 wouldn't be a topical treatment technically.

2 CHAIRMAN O'RELL: Emily, would you
3 like to come up and make a comment. I know
4 you were the one that submitted comments on
5 the topical hoof treatment and --

6 MS. BROWN-ROSEN: Thanks. This is
7 Emily Brown-Rosen again. Yes, Pennsylvania
8 farmers do use it as a hoof treatment, as a
9 walk-through box. We don't allow it -- it's
10 not allowed in bedding because then the
11 bedding commonly gets used in the ground, and
12 then it has synthetic fertilizer and it would
13 be prohibited.

14 That, I believe, was the reason for
15 the original NOSB annotation, not to be used
16 to deodorize manure because then it would be
17 in the manure and being applied the soil
18 somewhere. So that, I think, was the intent
19 of that whole use.

20 It's not registered as a pesticide,
21 so we didn't find anyone -- no one's requested
22 to use it as a parasiticide. But it is used

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1 just for the hoof treatment. It's an
2 alternative to copper sulfate.

3 Copper is, you know, a heavy metal
4 and so in that sense it's more benign in the
5 environment than copper would be. Then you
6 also have situations in the winter where
7 copper sulfate is a supplied liquid, where
8 that might be tricky to apply.

9 But so we do have it -- we're using
10 it for foot rot and hairy hoof work.

11 CHAIRMAN O'RELL: Okay. From your
12 earlier conversation, you wanted to take this
13 back in committee?

14 MEMBER KARREMAN: Yes.

15 CHAIRMAN O'RELL: And have you had
16 enough discussion here or are there other
17 questions from the committee?

18 MEMBER ENGELBERT: I have one
19 question. Have any of those farms used just
20 plain lime, powdered lime, and what have the
21 results been/

22 MS. BROWN-ROSEN: Well, it's been on

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1 the list, so we've allowed it. The literature
2 shows it's more effective, you know, as an
3 antibacterial drying agent. But you know, you
4 could use that. I don't know its
5 effectiveness.

6 MEMBER KARREMAN: And one last
7 thing, as far as it being applied to the land,
8 I do believe an organic farmer is allowed to
9 buy in conventional manure and apply it to the
10 land.

11 So I can't see why, you know, a
12 little bit of hydrated lime. It kind of gets
13 to some other discussions we were having
14 previously, but I don't see how that would
15 affect --

16 MS. BROWN-ROSEN: But a little bit
17 of pesticide too. I mean, you --

18 MEMBER KARREMAN: Okay, okay, okay.
19 (Laughter.)

20 CHAIRMAN O'RELL: Okay. Thank you,
21 Emily. Hugh, you want to move on?

22 MEMBER KARREMAN: Yep, sure. Okay.

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1 Where are we on two? Which one? Chlorine.
2 I have like two -- I've got three different
3 chlorines. It's all repetitive. Okay. Oh, I
4 see. Okay.

5 We had to review chlorine for three
6 different -- no, I'm just -- okay, sorry. For
7 205.603, synthetic substances allowed for use
8 in organic livestock production, category use
9 (a) as disinfectant, sanitizer, medical
10 treatments as applicable, we looked at
11 chlorine.

12 The committee summary was -- we
13 looked at a lot of some specific comments, and
14 several commenters say that chlorine
15 materials, such as calcium hypochloride and
16 chlorine dioxide and sodium hypochloride
17 should remain on the list.

18 Some commenters stated that the
19 chlorine materials just mentioned should be
20 removed from the list. The Livestock
21 Committee agrees with the commenters who
22 supported the renewal of chlorine materials,

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1 calcium hypochloride, chlorine dioxide and
2 sodium hypochloride because their use is
3 considered essential for organic livestock
4 production. They can be used in a way
5 compatible with organic production practices.

6 So based upon the comments received,
7 we recommended the renewal of chlorine
8 materials as listed, and the vote was 6 in
9 favor and 0 opposed. Discussion?

10 (Pause.)

11 MEMBER KARREMAN: Do I say it?
12 Okay, I don't see any discussion, so should we
13 move on? Okay. Got it. Okay.

14 The next one for 205.603 synthetic
15 substances allowed for use in organic
16 livestock production, category use (a) as
17 disinfectant, sanitizer and medical treatments
18 as applicable, we looked at oxytocin, and we
19 received, you know, comments on it.

20 Several commenters stated that
21 oxytocin should remain on the list. Some
22 commenters stated oxytocin should be removed.

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1 The committee agrees with the commenters who
2 supported the renewal of oxytocin, Because it
3 is -- its use is considered not harmful to
4 humans or the environment.

5 It is considered essential in
6 assuring the health and welfare of organic
7 livestock, and it can be used in a way
8 compatible with organic production practices.

9 So based on the comments received
10 we, as a committee, recommended the renewal of
11 oxytocin as listed, and the vote was 5 in
12 favor of renewal, zero opposed, and one
13 abstention. Discussion?

14 (Pause.)

15 MEMBER DAVIS: I had a question.

16 MEMBER KARREMAN: Yes.

17 MEMBER DAVIS: This usage, where it
18 says "use in post-parturition therapeutic
19 applications," is it used for just certain
20 individual cows that seem to have a problem
21 and need to have --

22 MEMBER KARREMAN: Yes. It's

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1 definitely only allowed in this -- well first,
2 that's an annotation. But to explain it, how
3 it's used, only for emergency use and it would
4 be used by veterinarians when called in to
5 -- for an emergency, which is a serious
6 emergency when the uterus of the cow comes out
7 after the calf does, and you have to put the
8 uterus back in. It's a major procedure.

9 Then you would give a shot of
10 oxytocin, about 5 cc's, to reduce or contract
11 the uterus rapidly, so it will not just flop
12 out again. Oxytocin is a nine amino acid
13 sequence, and it degrades in about 30 seconds.

14 So you would use it one time, maybe
15 two times in the first day or two after
16 calving.

17 MEMBER DAVIS: Thanks. Thanks for
18 the background.

19 MEMBER ENGELBERT: And I abstained
20 because it can only be used with a vet's
21 recommendation, and the vet has to be there to
22 administer. It's not something a farmer has

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1 on hand and can just randomly give to his
2 cows.

3 Otherwise, I would have voted
4 against it as not necessary or essential. But
5 there may be a case every now and then where
6 you have to call in a vet and it has to be
7 administered to save that cow.

8 MEMBER GIACOMINI: The problem is
9 that it is a hormone.

10 HH Right. That's the problem.
11 However, under OFPA the subtherapeutic use of
12 antibiotics and hormones for growth promotion
13 are prohibited, and this is absolutely not
14 such a use. It's a therapeutic use in
15 emergency situations to relieve pain and
16 suffering for animal welfare. Jeff?

17 MEMBER MOYER: Hugh, can you in 30
18 seconds or so tell us what happens to the milk
19 of that cow then, just for the record?

20 MEMBER KARREMAN: Well actually, on
21 a conventional farm there is no withholding
22 time for oxytocin Because of the rapid

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1 breakdown, and because all mammals produce
2 oxytocin. The synthetic version available in
3 a bottle for therapeutic application has zero
4 withholding time required for meter milk by
5 the FDA, Center for Veterinary Medicine.

6 You know, first of all, when it's
7 used on the first day of lactation or at
8 calving like that, legally farmers have to
9 hold the milk out for, I believe it's five to
10 six days.

11 Most farmers don't do that, but so
12 you'd be holding the milk out for a few days
13 anyway, even though there's zero withholding
14 time.

15 Any more discussion or questions?

16 MEMBER JAMES: Hugh, what would
17 happen -- I mean besides this, what are the
18 chances of a cow dying without it?

19 MEMBER KARREMAN: Well, it depends
20 what it would be used for. If it's for a
21 prolapsed uterus and you put it back in and
22 you want to give oxytocin to get rapid

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1 contraction of the uterus and you don't, it
2 could flop back out and that's not good if it
3 comes out again, externally of the body.
4 That's a no-brainer. It's no good the first
5 time.

6 We did have a TAP review on this. I
7 think was this a new TAP review, Arthur or --

8 MR. NEAL: Yes, yes.

9 MEMBER KARREMAN: And there were no
10 good alternatives for it in the alternative
11 realm. Another reason you might use it is for
12 a uterine hemorrhage, if there is a rip in the
13 uterus and there's a vessel that's cut and I
14 can't stitch it.

15 It would be used for that purpose as
16 well. So at that point, the animal could
17 actually die by not using it.

18 MEMBER GIACOMINI: I think if you
19 didn't use it in the other case, the essential
20 effect would be death also.

21 MEMBER KARREMAN: Oh yes, yes. That
22 would be malpractice.

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1 MEMBER JAMES: Yes.

2 MEMBER KARREMAN: All right. Moving
3 along.

4 CHAIRMAN O'RELL: Movin' along.

5 MEMBER KARREMAN: Movin' along,
6 okay. Ivermectin. There we are. Okay.
7 205.603, synthetic substances allowed for use
8 in organic livestock production, category use
9 (a) as disinfectant, sanitizer and medical
10 treatments as applicable.

11 We looked Ivermectin and a number of
12 commenters stated that Ivermectin should
13 remain on the list. Some commenters stated
14 that it should be removed.

15 The Livestock Committee agreed with
16 the commenters who supported the renewal,
17 because its use is considered essential for
18 the health and welfare of organic livestock at
19 this time, and can be used in a way compatible
20 with organic production practices.

21 Based upon comments received, the
22 Livestock Committee recommends the renewal of

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1 the following substance. Parasiticides,
2 Ivermectin as listed. The committee vote was
3 5 in favor, 1 opposed, no abstentions.

4 MEMBER WEISMAN: Can we hear the
5 minority?

6 MEMBER ENGELBERT: Yes, you may. I
7 think that it is an unnecessary product for
8 organic production.

9 I think that if a farm has a severe
10 infestation of parasites, that's an indication
11 that there's a severe problem with their
12 operation, and there are other available
13 substances, such as Moxidectin and other
14 products that could be used.

15 But the studies still are
16 inconclusive about their total effectiveness.

17 But I just -- I'm against this type of
18 substance being allowed in organic practice.

19 CHAIRMAN O'RELL: Hugh.

20 MEMBER KARREMAN: This is only to be
21 used as an emergency for a condition diagnosed
22 by a veterinarian.

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1 It cannot be used, you know,
2 routinely, and on the farms that I'm working
3 with for the last ten years, you know, you
4 have young stock, ages between like just past
5 weaning up to about ten months old that seem
6 to be the ones that get potentially infested.

7 We certainly do run fecal samples on
8 them, and it's only the two out of ten animals
9 that would receive the Ivermectin treatment,
10 and it is only used one time. It's somewhat
11 like the thing with the oxytocin we just
12 talked about.

13 It's kind of a one-time treatment,
14 and I truly believe it is for the health and
15 welfare of those animals, and without a doubt,
16 at least in my practice, I always educate the
17 farmers on management practices that will
18 reduce the need for it later.

19 I would say also that because of all
20 the prohibitions in the organic industry, I do
21 a lot of studying for alternative substances
22 for prohibited materials, and there is a lot

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1 of research coming out now regarding *in vitro*
2 and some *in vivo* studies with botanical
3 treatments against parasites.

4 They're based in mainly in sheep and
5 goats, but you could extrapolate cattle.
6 Regarding diatomaceous earth, I've never seen
7 it work in an actual infestation. It may work
8 for keeping things in equilibrium.

9 So I would say that, you know,
10 Ivermectin is used so infrequently, at least
11 it should be by the annotation, that I don't
12 see it as a problem to the environment as
13 such, and I -- anyway. Go ahead, Bea.

14 MEMBER JAMES: What about the
15 comments from Emily regarding Ivermectin being
16 persistent in the manure and having an impact
17 on soil?

18 MEMBER KARREMAN: Yes, but keep --
19 in the context of what I was just saying, if I
20 treat two animals, I'll just say, out of ten,
21 which would be on average, just from my
22 experience, that's two animals, two little

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1 calves out of ten out of a herd of, I don't
2 know, maybe 80 animals on that farm.

3 I don't believe that the manure from
4 those two little animals, that little amount,
5 will affect the environment, compared the 88
6 other animals or whatever. And it's a one-
7 time treatment.

8 MEMBER JAMES: What about two little
9 animals all over everywhere, on lots of
10 different farms over time?

11 MEMBER KARREMAN: That's a good
12 point. However, it is not being used
13 routinely. I think that's where I make the
14 distinction.

15 CHAIRMAN O'RELL: Nancy.

16 MEMBER OSTIGUY: We've actually had
17 a lot of discussion about Ivermectin,
18 especially when Moxidectin came up.
19 Moxidectin is in comparison a much safer
20 parasiticide to use, certainly in terms of
21 manure and such and its impact on the soils.

22 One of the things that I have this

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1 vague memory of, and maybe someone can recall
2 better than I do, there were some questions at
3 one point about a material that was on the
4 list, that we were using in a way that has not
5 been approved by FDA. Was this Ivermectin?
6 Is it Ivermectin?

7 MEMBER KARREMAN: It could be a lot
8 of things.

9 MEMBER OSTIGUY: But Actually Arthur
10 can answer probably.

11 MR. NEAL: He already knows what the
12 issue is. The issue is not that there was --
13 it's being used inappropriately from FDA
14 perspective.

15 The issue is that I think in October
16 2004 or 2003, I can't remember the exact date,
17 the NOSB requested that the NOP take a
18 position that antibiotics cannot be used in
19 livestock production.

20 Ivermectin, as well as Moxidectin,
21 are technically classified as
22 macroantibiotics, though they function as

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1 parasitocides.

2 As I write up this particular
3 material, let's say if it is renewed, when I
4 write it up, I'm going to give this
5 description. In this description it will say
6 it is a macroantibiotic.

7 I'll also talk about how it functions as a
8 parasiticide, however.

9 My concern is that USDA has taken a
10 position that antibiotics are prohibited. How
11 does this recommendation coincide or correlate
12 to our position?

13 If it is going to be renewed, the
14 only thing that I ask is either the NOSB
15 provide us some type of justification as to
16 how this relates to our current position, and
17 how this substance is different.

18 CHAIRMAN O'RELL: Andrea?

19 MEMBER CAROE: Well, I don't want to
20 take us off track, but going back to the
21 comment about the persistence in the soil, it
22 seems to me that Emily's comment for PCO was

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1 related to the slowly-released formulas, which
2 I believe you said is not available. The
3 formulas are not even available any more?

4 MEMBER KARREMAN: That's correct.

5 MEMBER CAROE: So the persistence in
6 the environment is not a big issue, as big an
7 issue as it was when this was first listed
8 anyways?

9 MEMBER KARREMAN: May I answer that,
10 Kevin?

11 CHAIRMAN O'RELL: Yes.

12 MEMBER KARREMAN: The slow release
13 formulation has been taken off the market. It
14 was not a profitable item for whichever
15 company. That was, however, strictly
16 prohibited I believe, somewhere in the
17 annotation, if I remember. If I'm wrong, it
18 doesn't matter. It's not on the market.

19 Now as far as -- I know that we will
20 have a public comment at some point by a
21 veterinarian who's here. He will discuss this
22 antibiotic, you know, aspect of the product

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1 we're talking about.

2 I do believe we also have to
3 consider perhaps using the term "anthomentic"
4 for this product, rather than anything else,
5 because that is functionally what it is.

6 Okay, you know, the fine print on
7 the company label might say it's a microcylic
8 lactone antibiotic in fine print, but I
9 guarantee you in veterinary school, no one
10 learns that. That is not discussed. That's a
11 pure, very purist chemical interpretation or
12 whatever. Go ahead, Nancy.

13 MEMBER OSTIGUY: I actually agree
14 with Arthur a lot, that we do need to have a
15 discussion at some point about the substances
16 that are chemically antibiotic, and do we wish
17 to say no antibiotic use at all, and then in
18 that case, we may not have a choice but to
19 include things like Ivermectin and Moxidectin.

20 MEMBER KARREMAN: Moxidectin.

21 MEMBER OSTIGUY: Moxidectin, and a
22 material that I'm interested in potentially

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1 for beekeeping, naturally derived, technically
2 an antibiotic, used as a fungicide. It's
3 called Fumidil.

4 But the question then comes, and
5 then also that includes using antibiotics on
6 plants, you know, to go back to the discussion
7 earlier, we need to decide where we stand on
8 that.

9 Are we talking about therapeutic
10 purposes; are we talking about prophylactic
11 use? Do we want to draw the line with just no,
12 if it chemically is defined as an antibiotic,
13 then we don't even go anywhere near it, or are
14 we okay to use it similarly to how we use it
15 in humans?

16 CHAIRMAN O'RELL: Kevin.

17 MEMBER ENGELBERT: I think one of
18 the issues there is that antibiotic simply
19 comes down to an issue of definition, and when
20 you start getting to the definition of
21 antibiotic, you start getting into the
22 slippery slope of all the products with

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1 antibiotic-type effects.

2 I think that's a very, very slippery
3 slope for us to get into, and I think it's
4 very important for us to deal with this issue
5 in a timely basis, to resolve some of these
6 issues.

7 CHAIRMAN O'RELL: Nancy, respond and
8 then Hugh.

9 MEMBER OSTIGUY: Real quickly back.
10 I agree. We need to have the discussion.
11 We're already on that slippery slope, in that
12 that is exactly -- antibiotic use is exactly
13 what all the chlorine materials are. We are
14 killing bacteria.

15 MEMBER KARREMAN: I think we need to
16 maybe have definitions drawn up and officially
17 recognized and received regarding terms such
18 as "germicide," "antimicrobial,"
19 "antibacterial," "antiseptic," "antibiotic."
20 We need to have them for the record to use in
21 our deliberations in the future. Peroxide
22 would be included too.

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1 MEMBER OSTIGUY: Right. All of
2 those.

3 CHAIRMAN O'RELL: I think that's a
4 very good point, Hugh. Does that end your
5 presentation from Livestock?

6 MEMBER KARREMAN: I hope so. I
7 think so.

8 (Applause.)

9 CHAIRMAN O'RELL: As everybody in
10 the room can see, we're a little off schedule.

11 The public comment period that was scheduled
12 for 11:00, the purpose of that public comment
13 period is to follow our discussion, which we
14 haven't concluded.

15 So we're going to continue with our
16 discussion, and then the public comment period
17 will follow. We had to wait for you all
18 yesterday, so now you're going to wait for us
19 today, as we get our work done.

20 So but we do need to take a break,
21 so I'd like to take a ten minute break if we
22 can, and get back here and get back to the

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1 Handling Committee report. Thank you.

2 (Whereupon, a short recess was
3 taken.)

4 CHAIRMAN O'RELL: The board will
5 continue its business, so if you could either
6 take the conversations outside or be seated
7 please. Thank you.

8 (Pause.)

9 CHAIRMAN O'RELL: Okay. We're going
10 to pick up with the Handling Committee report.
11 Julie?

12 Handling Committee Report

13 MEMBER WEISMAN: Yes. We had
14 several materials that had been deferred, that
15 we made recommendations on. So I'll take it
16 from the top.

17 We actually have, I have the
18 recommendation for Section 205.605(a), which
19 is non-agricultural, non-organic substances
20 allowed as ingredients in or on processed
21 products labeled as organic or made with
22 organic specified ingredients or food groups.

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1 These are for non-synthetics that are
2 allowed. This recommendations creates colors
3 and flavors.

4 You're not going to see this on the
5 screen, but my previous chairs gave reasons
6 for the initial deferrals in their
7 recommendations, which is not included.

8 So I just want to briefly mention
9 that these two items were deferred because
10 they were identified by the Handling Committee
11 as items which might prove contentious.

12 They were not deferred initially on
13 the basis of an public identification, any
14 identification in public comments.

15 However, after the request for
16 public comment was made prior to the August
17 meeting, many comments recommending the
18 continued allowance of non-synthetic colors
19 and flavors in organic handling were made.

20 The *Federal Register* notice asked
21 the public to provide evidence and address
22 concerns for any substance that they believe

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1 should be discontinued, and there were no
2 comments specific to these two substances at
3 that time, against the continuation of either
4 colors or flavors on the list.

5 There was one comment at that time,
6 expressing concern that colors and flavors had
7 been added to the list without technical
8 review by the NOSB, and Because of this
9 comment, the handling Committee requested and
10 received from the NOP a technical overview of
11 food and color additives on October 14th of
12 2005, in time to write the recommendation for
13 this meeting.

14 The technical review that was given
15 to us offered no information that would
16 suggest that either non-synthetic colors or
17 flavors are inconsistent with organic
18 practices.

19 This is a summary of the information
20 that was contained in those reviews. The use
21 of flavoring substances is regulated by the
22 FDA. All flavoring substances, non-synthetic,

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1 fall into one of two categories.

2 They are either GRAS, which means
3 generally recognized as safe, and that is for
4 flavor materials. That's a designation that's
5 granted by a panel of technical experts, whose
6 authority is accepted by the FDA.

7 Or they're considered food
8 additives, and in that case they have been
9 reviewed and approved by the FDA directly. On
10 the color side, there are no GRAS -- there's
11 no system of designating things GRAS for color
12 additives in the same way.

13 For color additives to obtain
14 approval from the FDA, the manufacturer has to
15 submit a petition to the FDA demonstrating
16 safety of the substance with information
17 including the manufacturing process, stability
18 data, safety studies, toxicity data, all the
19 types of things that we normally ask for in a
20 petition.

21 So consequently, as a result of the
22 information that we had at the time that this

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1 vote was taken, all synthetic flavoring
2 substances and -- I skipped a sentence, sorry.

3 We determined that all synthetic
4 flavoring substances and colors are subject to
5 pre-market approval requirements by reviewing
6 bodies.

7 So based on this information, the
8 Handling Committee recommends the renewal of
9 the following substances in this use category
10 as published in the final rule. A motion was
11 made by Kevin O'Rell, second by Joe Smillie.
12 The committee voted unanimously to renew these
13 substances.

14 Now all that being said, we've
15 received since the publication of this
16 recommendation lots of public comment on both
17 colors and flavors. I'm going to ask the
18 chair's help in guiding me if this is not
19 appropriate at this time.

20 But I wanted to briefly summarize
21 the comments. I did a survey of the comments
22 that we have received since this

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1 recommendation --

2 CHAIRMAN O'RELL: Since the
3 recommendation has been posted.

4 MEMBER WEISMAN: Was posted.

5 CHAIRMAN O'RELL: Yes.

6 MEMBER WEISMAN: Because I think
7 it's pertinent.

8 CHAIRMAN O'RELL: Yes.

9 MEMBER WEISMAN: On flavors, 13
10 additional comments have been received. Of
11 these 13, six support the continued listing of
12 flavors, non-synthetic on 205.605(a). Seven
13 of the comments recommend that they not be
14 relisted.

15 I want to say that in six of the
16 seven comments recommending that they not be
17 continued, those also included a
18 recommendation that they be moved to 606.

19 Now we have had much conversation in
20 the last day and a half already in this room
21 about the fact that during sunset process,
22 there is not going be any petitioning of items

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1 onto a section of the national list other than
2 the one that they appear on now.

3 So I believe that the commenters who
4 -- those six commenters who recommended not
5 renewing colors were assuming that they would
6 appear elsewhere, colors and flavors -- I'm
7 sorry. We're just talking about flavors --
8 this is my first time making this
9 presentation, so I'm sorry.

10 The six people who recommended
11 against the continuation of flavors on 605(a),
12 I believe that they clearly did not appreciate
13 that they could not be added simultaneously to
14 another list.

15 I am hesitant to interpret their
16 recommendations against relisting as a request
17 for flavors, non-synthetic to disappear from
18 the list altogether. I don't think that was
19 adequately understood by those commenters.

20 I also -- one of the comments that
21 was against relisting made mention of the fact
22 that flavors were added to the list by the --

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1 that flavors were not reviewed, and I wanted
2 to mention that we -- that this is erroneous,
3 that flavors are on the list because there was
4 a recommendation by the NOSB and I think it
5 was on October 31st of '95 in Austin, Texas.

6 CHAIRMAN O'RELL: That's correct.

7 MEMBER WEISMAN: And it was put up
8 for public comment, and a technical review at
9 that time, and I know that at least -- I can't
10 see today, but I know yesterday several of the
11 people that were on that technical review
12 panel were in this room, at least yesterday.

13 So that was the -- that's the
14 additional information I wanted to give, based
15 on the public comment on flavors, okay. We
16 have also received numerous comments on
17 colors, since this recommendation was posted
18 on February 1st.

19 Out of 13 clear comments that were
20 received, five support and eight oppose the
21 continued listing of colors on 205.605(a). Of
22 the eight opposing comments, three comments

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1 included recommending relisting on 606. So I
2 include -- I think of those comments in the
3 same way as I thought of them for flavors.

4 However, the other five cite the
5 fact that colors were never recommended by the
6 NOSB to be listed in the first place, did not
7 have TAPs or go through public comment. It is
8 these comments that I find troubling,
9 particularly since their -- I have not been
10 able to find any historical evidence in the
11 form of past recommendations, meeting minutes,
12 to counter those assertions as I could for
13 flavors.

14 If these assertions are correct, it
15 seems -- well, maybe I should -- should I stop
16 here or should I -- this is the time to
17 propose to the committee?

18 CHAIRMAN O'RELL: Do you want to
19 open for Discussion --

20 MEMBER WEISMAN: Those are the facts
21 on colors, and I think at this point I want to
22 open it up for Discussion.

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1 CHAIRMAN O'RELL: That's fine.

2 MEMBER WEISMAN: Kevin.

3 CHAIRMAN O'RELL: Andrea?

4 MEMBER CAROE: I just want to -- I
5 have the *Federal Register* notice for sunset in
6 front of me, for comments that do not support
7 the continuation of an existing exemption or a
8 listed item. The commenters were asked to
9 demonstrate that the substance was found to be
10 "(1) Not harmful to human health or the
11 environment, (2) necessary because
12 unavailability of wholly non-synthetic
13 alternative, and (3) consistent and compatible
14 with organic practices."

15 It also asked for the commenter to
16 provide viable alternatives, such as practices
17 and other substances, and then also to include
18 the manufacturers of these substances and
19 availability.

20 I don't think that we've gotten
21 that level of detail from any of the
22 commenters and, you know, again, as we've

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1 heard from the program, in order for these
2 things to go up and be taken off the list,
3 they have to have this level of detail in the
4 justification.

5 That's clear in the *Federal Register*
6 notice that was -- the commenters were asked
7 to provide this information. I just don't see
8 that it's come to us in this format.

9 MEMBER WEISMAN: I'm curious if
10 anybody on the board had a chance to read
11 AMRI's comments on colors.

12 CHAIRMAN O'RELL: Yes.

13 MEMBER WEISMAN: Okay, because I
14 think that that did include quite an
15 impressive amount of detail in terms of
16 breaking down the category of colors and the
17 different types of colors that are
18 manufactured and the practices that are used.

19 CHAIRMAN O'RELL: And it is inherent
20 in the problem with having a listing of a
21 generic or general classification of
22 substances, because when you're talking about

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1 colors, you're talking about a lot of things
2 out there.

3 It would certainly help if we had a
4 synthetic non-synthetic document, a guidance
5 document on the table today, because then that
6 could alleviate some of the concerns that were
7 addressed in the AMRI letter.

8 But there's -- that's one of the
9 things that we have to wrestle with, and I
10 know there have been statements made that they
11 should be individually petitioned. You know,
12 that's quite a list of petition for items that
13 would have to come up.

14 We have the same issue with flavors,
15 although I don't want to lump them together.
16 But it is again a general category with a lot
17 of compounds that are put together to make
18 flavoring materials. So Bea?

19 MEMBER JAMES: Julie, I wonder if
20 maybe you could just give comment on what you
21 think about AMRI's point on addressing colors
22 and flavors separately.

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1 MEMBER WEISMAN: I think they should
2 be addressed separately.

3 CHAIRMAN O'RELL: Yes, they were.
4 Andrea.

5 MEMBER CAROE: Just a reminder that
6 this material is on 205.605(a), as a non-
7 synthetic, non-agricultural material. I mean
8 in its placement, we're talking about -- you
9 know, we're not talking about the Concord
10 grade essence here, Because that would be
11 agricultural.

12 Again, this all tied into our non-
13 synthetic versus synthetic, and our
14 agricultural versus non-agricultural
15 arguments. But in its placement, we're not
16 talking about synthetic forms, and we're not
17 talking about agricultural forms of flavors
18 and/or colors.

19 CHAIRMAN O'RELL: Nancy.

20 MEMBER OSTIGUY: I still am curious
21 about the assertion that this was put on the
22 list without a vote of the NOSB. I don't

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1 know, I don't have any information one way or
2 the other. How was it put on?

3 CHAIRMAN O'RELL: Arthur, do you
4 want to respond to that?

5 MR. NEAL: To my recollection, this
6 material was on the 1997 proposed rule in the
7 -- I wasn't there at the time, so I really
8 don't know how it got added on. It did not
9 appear on the March 2000 proposed rule. It
10 reappeared later.

11 There were no discussions in the
12 preamble concerning it. So obviously there
13 had been some type of history behind it. I
14 don't exactly know all of it, and I can't
15 explain how it was added to the national list,
16 particularly -- I see Valerie has her hand up.

17 MS. FRANCES: You know, Tony's out
18 of the room right now, but she was there for
19 all this, and she said it was a mistake it got
20 left out of the 2000 proposed rule. But there
21 was really no comment one way or the other in
22 the preamble addressing it in any way, and

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1 then there was nothing addressing it as a
2 mistake either in the finial rule.

3 MR. NEAL: Right.

4 MS. FRANCES: And having it re-
5 appear.

6 MR. NEAL: And the other thing is
7 that there was no -- I don't recall the
8 public comment generated as a result of it
9 being on the list at that time.

10 CHAIRMAN O'RELL: Zea?

11 MS. SONNEBAND: Thank you for
12 recognizing me. Zea Sonneband, CCOF and the
13 original contractor who got the national list
14 together.

15 Colors was, and flavors were both on
16 the list of materials that were referred by
17 the original NOSB, to go through the TAP
18 process. We had 162 things to take up all at
19 once.

20 So we did them in stages over a
21 period of years, and it involved finding
22 enough scientists who would do the TAP

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1 procedure on the different materials as to how
2 fast they got done.

3 We never could find enough
4 scientists to look at the colors. So there
5 was no TAP review done during the period that
6 I was responsible for the list, which was
7 through 1996 more or less. So to my
8 knowledge, no TAP review has ever been done.

9 CHAIRMAN O'RELL: But they were put
10 on by a recommendation from --

11 MS. SONNEBAND: The NOSB did not
12 discuss it, to my knowledge. I think it came
13 somehow from NOP. Now I haven't been to every
14 single meeting, but I don't remember a
15 conversation about the colors.

16 CHAIRMAN O'RELL: Kim?

17 MS. DIETZ: Kim Dietz, past NOSB
18 Materials Chair Handling rep. I believe in
19 2002, when colors did go on the national list,
20 like I said yesterday, there was a
21 recommendation by the board to remove them
22 Because they had never gone through a TAP and

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1 never gone through a board review.

2 There was a technical recommendation
3 to remove them. They did not get taken off in
4 2002. So there's no history with colors
5 whatsoever from the NOSB.

6 CHAIRMAN O'RELL: Thank you, Kim.

7 MEMBER OSTIGUY: I guess my next
8 question is how do we deal with this then? If
9 we never actually took a vote, is it a
10 technical correction to remove it and then we
11 have to look at it? Do we have to vote on
12 renewal and petition it? It seems awfully odd
13 to have to do the latter, since we never voted
14 to put it there in the first place.

15 MEMBER SMILLIE: Well, we inherited
16 that sin. It's like original sin. I think
17 we've got it, whether we deserve it or not.

18 So to me, the only and because of
19 the really incredible economic impact that
20 non-renewal would have, I think that basically
21 the procedure would take is to renew it now
22 and immediately start to, you know, get our

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1 work done, with a petition immediately
2 following renewal.

3 MEMBER CAROE: It did have a TAP.

4 MEMBER SMILLIE: It was an
5 abbreviated TAP, and from the TAP we did
6 request a technical review. It's not a full
7 TAP that addressed all of the regulation
8 criteria. But we did attempt to fill out the
9 evaluation forms, based on the information we
10 had.

11 We, in filling out those forms, we
12 recognized there were areas where we didn't
13 have answers, and we didn't have answers for
14 several issues on the review form, which does
15 bother me.

16 MS. FRANCES: I'm sorry you don't
17 have the form. I was working with a youngster
18 at the desk last night to print things off,
19 and that, I don't think, got printed off.

20 CHAIRMAN O'RELL: Well, we have it.

21 MS. FRANCES: You have it? I did
22 give it to you?

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1 CHAIRMAN O'RELL: We have it.

2 MS. FRANCES: Okay. Somehow I
3 didn't get it then.

4 MEMBER KARREMAN: Overview.

5 MS. FRANCES: I'm glad you have it.

6 CHAIRMAN O'RELL: Yeah, we have the
7 criteria forms here in front of us. But it
8 does show that there are areas that we
9 recognize we don't have the information on,
10 and part of it is in trying to review such a
11 broad class of materials. It's very complex.

12 Then to Joe's point, these are in
13 wide use. They've been on the list for five
14 years. That's why they're coming up for
15 sunset, and they have been used widely in a
16 number of products that are currently on the
17 market.

18 So there is a tremendous economic
19 impact to the industry if it doesn't go
20 forward. But yet we do have a dilemma.
21 Nancy?

22 MEMBER OSTIGUY: Could I make a

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1 motion to -- maybe we should do this this
2 afternoon, but what I'm thinking -- I'll tell
3 you what I'm thinking and then we can figure
4 out how to do this.

5 I'm a bit uncomfortable with
6 reviewing them as a group, because there are
7 such apples and oranges there. If we do that,
8 there may be then, in the process of
9 reviewing, some things that we think are
10 actually problematic, and we would review all
11 of that negatively. It would not actually
12 meet the OFPA criteria.

13 We wouldn't want to have that be
14 held as the standard for the things that would
15 be okay. So would it be possible to, instead
16 of looking at each individual color, because
17 that of course also would be -- might lead to
18 the wrong conclusion that we're after, which
19 is being able to get through this and still
20 allow the industry to continue.

21 First off yes, we renew. But the
22 recommendation would be then to break up that

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1 list of colors into similar groupings, so that
2 we could review groups of colors that the
3 answers to the OFPA questions are likely to
4 come out similar, so that we could -- you
5 know, you're not excluding certain things
6 because there's one bad apple in that
7 particular grouping.

8 CHAIRMAN O'RELL: Andrea, and then
9 Julie.

10 MEMBER CAROE: I agree first that we
11 need to move this as a sunset item, and then
12 what I would suggest in moving forward, and
13 obviously --

14 CHAIRMAN O'RELL: Did you say move
15 or remove? I just wanted --

16 MEMBER CAROE: Move forward with the
17 sunset process. But afterwards, and the next
18 step is going to be largely impacted by our
19 decisions on ag versus non-ag and synthetic
20 versus non-synthetic.

21 So I would hold off making any work
22 plan yet, and then also I would suggest that

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1 we try to elicit some petition from the
2 public, as far as you know, folks that are
3 using these.

4 They can actually come up with these
5 categories and petition those color
6 categories, probably a lot better than anybody
7 on this board, with the exception of Julie,
8 who has some understanding in this area.

9 But you know, I would suggest that
10 we entertain or put as a priority to entertain
11 working on this, based on comments received.

12 CHAIRMAN O'RELL: Julie, and then
13 Nancy.

14 MEMBER WEISMAN: Yes, I wanted to
15 add to that, that I think that a petition --
16 if someone would petition colors to be moved
17 to 606, that process would serve exactly the
18 function that you're asking for Nancy, in
19 terms of parsing out what exactly are the
20 colors that are manufactured and how are they
21 manufactured, and which ones qualify as
22 agricultural products and which ones do not

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1 and why don't they.

2 We will -- I think we have access to
3 much better information now than the board had
4 in 1997 or whenever that was.

5 CHAIRMAN O'RELL: Nancy.

6 MEMBER OSTIGUY: I'm fine with that,
7 as long as there actually is no delay in us
8 starting the process, and it may not be that
9 we hear it immediately, and it may be that,
10 you know, our first action is to ask the
11 community to start getting the petitions
12 together.

13 But I don't want to delay it, since
14 it's already -- it's almost been ten years
15 that this process started, and it's been five
16 years that they've been used without a board
17 review.

18 So I don't want to delay. I realize
19 we don't make a decision until we have some of
20 the other things in place.

21 CHAIRMAN O'RELL: I think that it
22 would be very easy to get the public to file a

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1 petition to remove colors from 605(a) and put
2 it on 606, which is really this committee has
3 talked about it, that that's probably the
4 place that they belong, and that would
5 eliminate most of the issues we have today.

6 But we do have to recognize the fact
7 that they're in use today. They're in a lot
8 of products, and the annotation is for
9 naturally-derived.

10 MEMBER OSTIGUY: It's duplicate.

11 CHAIRMAN O'RELL: So we could have a
12 plan to move forward to get resolution, and
13 recognizing the public comment that it wasn't
14 initially recommended by the board. But as
15 Joe said, we've caught the original sin.
16 We're here dealing with it now.

17 MEMBER GIACOMINI: Question?

18 CHAIRMAN O'RELL: Yes, Dan.

19 MEMBER GIACOMINI: Just for
20 clarification, will we be voting on this, both
21 of them together or individually flavors
22 versus colors?

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1 CHAIRMAN O'RELL: We had grouped --
2 the recommendations were grouped by the
3 categories in 205.605(a), 205.605(b) and then
4 606. So since both of these items appear --

5 MEMBER GIACOMINI: Even though there
6 seems to be different issues, and to a certain
7 extent especially revolving around --

8 CHAIRMAN O'RELL: Well, when we have
9 discussion, we'll have discussion of those
10 items, and somebody could split it. Somebody
11 could have a motion to split.

12 MEMBER GIACOMINI: Could I have some
13 additional input then from those more in the
14 know, on the financial impact of removing
15 colors?

16 MEMBER SMILLIE: Well, I can't give
17 you any numbers, but a lot, a great deal, I
18 would say probably 50 percent of processed
19 foods would probably be utilizing these two
20 things. Kevin, what do you think?

21 CHAIRMAN O'RELL: Yeah, and
22 particularly in the dairy industry, there's

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1 widespread use, a lot of manufacturers. We
2 had a public comment from Stony Field Farms,
3 indicating that they use a lot of those colors
4 in their yogurts. There's organic Colby
5 cheese on the market that uses anado.

6 MEMBER GIACOMINI: But This comes
7 down to a desire in the marketing to meet a
8 consumer perception of what a product should
9 look like, not the type of thing of there
10 won't be any more pears next year. I'm just
11 trying to understand.

12 I see in my mind a very big
13 difference between those two things, and I
14 don't see a huge -- I'm not sure that I
15 understand a huge impact of not putting a
16 color in a particular item.

17 CHAIRMAN O'RELL: Are you going to
18 respond to that question? Okay Bea, and then
19 I'll take it.

20 MEMBER JAMES: For all the things
21 that we do to make sure that we put forth a
22 product that meets consumer expectation,

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1 whether it's a pear and the things that we
2 have done to try to protect the crops
3 industry, so that they have good-looking pears
4 on the market that will sell, as well as you
5 know, milk that is -- meets the expectations
6 of the consumer, I think that you could apply
7 that same principle to how cherry yogurt
8 should, you know, is expected to look in the
9 case by the consumer.

10 MEMBER SMILLIE: Yeah, and
11 furthermore I don't want to color this
12 argument too deeply, but --

13 (Laughter.)

14 MEMBER SMILLIE: The current reality
15 is that manufacturers do understand that
16 there's a lot of pressure and commercial
17 availability to move towards organic colors
18 and flavors. That is happening. It's not as
19 if, you know, that movement isn't taking place
20 right now.

21 As a certification agent, we're
22 continually challenging the manufacturer, if

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1 you must use this material rather than a
2 certified organic, give us your justification
3 for it.

4 So I think we've received public
5 testimony from both Smucker Quality Beverages
6 and Stony Field on this issue, and both of
7 them come back with the same thing, is that
8 they support the continued use.

9 They do understand that they've got
10 to move away from it, and they report in
11 detail on how successful they have been in
12 gradually shifting towards certified organic
13 flavors and colors.

14 But at this point in time, it's
15 still not -- for some flavors and some colors,
16 they're still not available, those materials
17 that they can use.

18 So therefore there is a big impact,
19 but again, not to -- I mean we are being
20 successful in moving away from the use of
21 these and towards certified organic colors and
22 flavors.

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1 CHAIRMAN O'RELL: The direction is
2 towards more organic flavors and organic
3 certified colors. So it's because of their
4 placement again on the list. If they're
5 placed on 605(a), there isn't that carrot out
6 there, for them to want to use organic colors.

7 If it's on 606, again, with our
8 commercial availability and the criteria
9 guidelines, that the certifiers will ask those
10 questions of manufacturers, why aren't you
11 using an organic color that's available.

12 MEMBER GIACOMINI: It just seems to
13 me that this conversation would have been
14 conducted with much more detail when the NOSB
15 voted to have them removed from the list, and
16 that I can understand someone voting to have
17 them not be renewed, in support of what was
18 probably then a more detailed discussion than
19 we're having very briefly now. But that may
20 be incorrect.

21 MEMBER WEISMAN: Kevin, I just want
22 to -- what you just referred -- are you

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1 referring to the reference that was made to an
2 earlier recommendation that they be removed
3 from the list, like we're talking like several
4 years ago? Is that --

5 MEMBER GIACOMINI: Yes.

6 MEMBER WEISMAN: Okay. At that
7 time, there were virtually no organic flavors.
8 So I just, as a point that --

9 MEMBER GIACOMINI: I'm referring to
10 colors in this one.

11 MEMBER WEISMAN: Or colors. There
12 were no organic any of those being produced at
13 that time. So I agree with your point, but
14 the discussion at that time, there were no
15 alternatives at that time. So it wouldn't
16 have been that no organic alternatives at that
17 time.

18 CHAIRMAN O'RELL: Bea?

19 MEMBER JAMES: Dan, I think -- I
20 mean I understand that it's important to have
21 natural colors, and that's, you know, as a lot
22 of people here have suggested, that's where

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1 the industry is working towards.

2 But to not renew them means that a
3 consumer that is accustomed to buying a
4 product and having it look a certain way, and
5 then all of the sudden opening that product
6 and having it be brown, would be completely
7 devastating to the industry.

8 We have to allow the manufacturers
9 the time to be able to find a suitable natural
10 replacement, so that they can keep their
11 product consistent with what the consumer's
12 been used to over the years.

13 MEMBER GIACOMINI: Well, if we take
14 it off the list, natural flavors, it would
15 have to be organic for suitable replacement.

16 MEMBER WEISMAN: Well, we're talking
17 about colors.

18 MEMBER JAMES: Yes, yes.

19 MEMBER GIACOMINI: Things take a lot
20 of time to go through the process, and that's
21 not saying anybody's slow or not acting, but
22 they take a lot of time.

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1 If the NOSB acted years ago to
2 request that they be removed, and it's obvious
3 in the subsequent time that you didn't want
4 they removed, why didn't the NOSB ever take
5 action to stop NOP from progressing on that,
6 if that action had been taken?

7 MEMBER OSTIGUY: Well actually, how
8 it sort of seems to have proceeded was that it
9 showed up in the National Register notice on
10 the list, and then you'd have to go through
11 the -- it's complicated. That's all I can say
12 at the moment. I'm not going to be able to
13 explain.

14 CHAIRMAN O'RELL: Andrea?

15 MEMBER CAROE: Just, you know, this
16 Discussion, I think, is our next meeting
17 discussion when we look at the petitions for
18 these materials. Right now, this is sunset.
19 We've got a lot of things to go over today.

20 MEMBER OSTIGUY: Yeah, we do. We do
21 have a lot more stuff to do.

22 MEMBER CAROE: You know, you want to

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1 know economic impact. Anybody that's using
2 colors right now just in packaging and shelf-
3 slotting that they'll lose, it's huge. It's
4 huge.

5 I mean if they have packaging that
6 says they've got colors on it and you want to
7 take colors away, they have to redo all of
8 their packaging. That's a big expense, just
9 for one manufacturer.

10 Fifty percent of the products on the
11 market are using color. So you know, right
12 now for sunset, I don't think we have any
13 other choice but to renew it. Let's get the
14 petitions, have this detailed discussion next
15 meeting. My recommendation.

16 CHAIRMAN O'RELL: Is there any
17 further discussion on these two items?
18 Otherwise, we'll go on. And again, we'll have
19 time to hear public comment and input before
20 we make our votes.

21 MEMBER WEISMAN: Okay. In that
22 case, I'd like to move on to Section 605(b),

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1 which for this committee just involves
2 chlorine materials and lecithin-bleached.

3 So this is for chlorine materials
4 and for lecithin-bleached, to be used as
5 allowed synthetics in non-agricultural
6 substances, allowed as ingredients in or on
7 processed products labeled as organic or made
8 with organic.

9 The *Federal Register* notice
10 regarding the sunset review asked the public
11 to provide evidence and address concerns for
12 any substances they believe should be
13 discontinued. Of the many comments that --
14 many comments were received recommending the
15 continued allowance of chlorine materials in
16 organic handling, and there were no comments
17 specifically against the continuation of
18 chlorine materials on the national list for
19 this purpose.

20 In addition, the NOSB had requested
21 that a technical evaluation report be
22 conducted reviewing chlorine use and organic

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1 handling, and we received this technical
2 report from the program, from the NOP on
3 January 6 of 2006, and that report favorably
4 answered the criteria questions for substances
5 to be used in organic handling.

6 The technical review did not
7 indicate that there was any new information
8 about chlorine materials since its original
9 petition, that would make it inconsistent with
10 organic practices.

11 So based on public comments from
12 sunset review and the technical report, the
13 handling committee does recommend the
14 continued use of chlorine materials in this
15 category.

16 With regard to lecithin-bleached,
17 many comments were received recommending the
18 continued allowance of lecithin-bleached.
19 There were also comments opposed to the
20 continuation of the substance.

21 During the November NOSB meeting, a
22 manufacturer of organic lecithin announced

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1 that they could produce an organic bleached
2 lecithin to meet the current organic market
3 needs.

4 So as part of our due diligence, the
5 Handling Committee contacted this
6 manufacturer, while considering this
7 recommendation, to verify the commercial
8 availability as organic of this substance.
9 The manufacturer did confirm its availability
10 as organic.

11 So therefore, based on the public
12 comment that there is an organic alternative
13 available to replace a synthetic on the
14 national list, the Handling Committee is
15 recommending not to renew lecithin-bleached.

16 I would just like to point out that
17 we did hear comment yesterday evening from
18 Lynne Clarkson (ph), who is a manufacturer of
19 lecithin, who agreed with this recommendation.

20 So therefore, the Handling Committee
21 recommends the renewal of the following
22 substance in this use category as published in

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1 the final rule, Part 205.605(b), chlorine
2 materials, disinfecting and sanitizing food
3 contact surfaces, and then as-listed.

4 In addition, the Handling Committee
5 recommends deferring a vote, not in this
6 category. The Handling Committee recommends
7 not renewing the following substances in this
8 use category: lecithin-bleached.

9 This recommendation was moved by
10 Kevin O'Rell, seconded by Andrea Caroe, and
11 was voted unanimously to move forward.

12 CHAIRMAN O'RELL: And I just might
13 add on the chlorine, the committee was aware
14 of and discussed that there is a processing
15 committee recommendation from April 30th, 2003
16 that went to the NOP for clarification of the
17 annotations associated with chlorine.

18 We still feel that this is relevant,
19 but it is separate from sunset, because we are
20 not going to be changing annotations. But as
21 part of our work plan, it is to go back and to
22 address this processing committee

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1 recommendation from 2003 back to the NOP, to
2 find out where, why it hasn't gone forward.

3 Because it does summarize the
4 original intent in the initial recommendation
5 back in, I think, 1995 for chlorine.
6 Discussion?

7 (Pause.)

8 CHAIRMAN O'RELL: Okay.

9 MEMBER WEISMAN: So we are moving on
10 to Section 606, which is non-organically
11 produced agricultural products allowed as
12 ingredients in or on processed products
13 labeled as organic or made with organic.

14 We are considering lecithin
15 unbleached for renewal in this section. The
16 committee summary is as follows:

17 Many comments were received
18 reporting the retention of materials,
19 including lecithin unbleached, currently
20 listed in Section 205.606. One commenter who
21 generally appeared to object to the entire
22 national list opposed the relisting, along

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1 with everything else of this material.

2 However, detailed information as to
3 why lecithin-unbleached was not compatible
4 with organic practices, as specified in the
5 *Federal Register*, was not provided in that
6 comment.

7 Another commenter noted that organic
8 forms of lecithin are available and had
9 concerns that there will be no market for the
10 organically-produced material if the non-
11 organically produced material remains on the
12 list.

13 However, some commenters also noted
14 that the organic form is either insufficient
15 in quantity or inadequate in some
16 functionality.

17 Comments were received from a
18 manufacturer or organic lecithin-unbleached,
19 who indicated that organic lecithin unbleached
20 can be manufactured in sufficient quantity to
21 meet demand.

22 However, this manufacturer also

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1 clearly stated that organic forms of every
2 formulation of lecithin-unbleached that are
3 currently being used do not yet exist.

4 The Handling Committee agrees, based
5 on compelling evidence given by a manufacturer
6 of organic lecithin-unbleached, that every use
7 of lecithin bleached can in fact not
8 adequately be filled by the forms currently
9 available.

10 Therefore, the Handling Committee
11 recommends the renewal of lecithin-unbleached
12 in this use category. There were, for
13 deferral there were none in that category and
14 for not renewing. There were none at this
15 time in this category.

16 The recommendation was moved by
17 Andrea Caroe, seconded by Kevin O'Rell, and
18 the committee voted unanimously to move
19 forward with this recommendation.

20 CHAIRMAN O'RELL: And again
21 yesterday late, we heard from that
22 manufacturer, who submitted public comments

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1 supporting our recommendation and supporting,
2 in effect, that we were removing the bleached
3 lecithin from the list, but maintaining the
4 lecithin-unbleached as an agricultural product
5 Because recognizing there were not all sorts -
6 -

7 There were not organic lecithins
8 available that would meet possibly all
9 applications. But in light -- that, in
10 conjunction with our commercial availability
11 recommendation, that now puts criteria out
12 there for the ACAs to ask questions of, we
13 felt that would be enough to move along those
14 people who don't want to use organic lecithin
15 totally based on cost.

16 They would have to have a
17 justification by the criteria we propose. So
18 Andrea?

19 MEMBER CAROE: Just really quick.
20 Valerie, I think this is probably for you.
21 It's a small technical correction. The title
22 of this recommendation is a typo. It's

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1 205.606. There's no (b).

2 CHAIRMAN O'RELL: A new category.

3 MEMBER CAROE: So we just probably
4 should reflect, as posted right now on the
5 website, it says 606(b), and there's no such
6 animal.

7 CHAIRMAN O'RELL: Yes, okay. Thank
8 you, Andrea. Any discussion?

9 (Pause.)

10 CHAIRMAN O'RELL: Okay.

11 MEMBER WEISMAN: Right. There is
12 one other pretty brief item that is on the
13 Handling Committee's agenda for this meeting.

14 As Discussion item only, and that is
15 agricultural versus non -- the definition of
16 agricultural versus non-agricultural.

17 So I just want to make a brief
18 statement about that, which is really more of
19 an update. This is an item on the Handling
20 Committee's work plan, which has over the past
21 year also included participation from the
22 Materials Chair, to take advantage of

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1 additional technical expertise.

2 A comment was heard yesterday
3 regarding a proposed request that yeast be
4 considered as livestock.

5 So I just wanted to reiterate, in
6 case it was not clear yesterday, that the
7 committee is entertaining this approach, and
8 to that extent, we have expanded the working
9 group to formally include the full Materials
10 Committee, not just the chair, although it
11 will still be led by the Handling Committee.

12 If we do move forward with this idea
13 of yeast as livestock, there are additional
14 considerations which we may have to address,
15 such as perhaps a rule change modifying the
16 definition of agricultural product that would
17 exclude only minerals, because at present it
18 does exclude microbial organisms. We would
19 have to look at that.

20 We would also have to ask, start
21 asking the questions how, you know, I'm still
22 -- I'm coming off of Passover, and part of the

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1 ritual was how is this night different from
2 all other nights. So the question here is how
3 is this livestock different from all other
4 livestock?

5 (Laughter.)

6 MEMBER OSTIGUY: We had original
7 sin, and now we have --

8 MEMBER WEISMAN: Nancy says it has
9 no legs. So we might -- in addition, we might
10 need to look at things like deleting things
11 like living conditions and access to pasture,
12 as considerations. We would have to look at
13 things like 100 percent organic feed.

14 Then alternately, to consider yeast
15 as livestock, we are also -- might have to
16 consider whether OFPA will allow a rule change
17 to create some other category of non-plant
18 life. That was also a possibility that was
19 discussed.

20 So this will now be an item on the
21 work plans of a Joint Materials and Handling
22 Committee going forward.

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1 CHAIRMAN O'RELL: And the hope would
2 be to have that recommendation for the next
3 meeting.

4 MEMBER WEISMAN: I think --

5 CHAIRMAN O'RELL: That concludes the
6 Handling Committee's agenda.

7 MEMBER WEISMAN: The Handling
8 Committee's agenda item.

9 MEMBER OSTIGUY: Good job, Julie.

10 CHAIRMAN O'RELL: Thank you, Julie.

11 (Applause.)

12 CHAIRMAN O'RELL: Synthetic, Non-
13 synthetic. Nancy?

14 Joint Materials and Handling Committee Report

15 MEMBER OSTIGUY: Well, we'll deal
16 with this all in one fell swoop and we'll see
17 how long the discussion goes. I'm going to
18 read what we put together.

19 It's a Joint Materials and Handling
20 Committee response to the NOP documents, dated
21 March 9th, 2006, the evaluation of the NOSB
22 recommendations on the definition of synthetic

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1 and recommended framework for further clarify
2 the definition of synthetic.

3 The Handling Committee and Materials
4 Committee have received the NOP documents
5 dated March 9th, 2006, "Evaluation of the NOSB
6 Recommendation on the Definition of Synthetic,
7 and Recommended Framework to Further Clarify
8 the Definition of Synthetic," as well as the
9 decision tree to distinguish synthetic and
10 non-synthetic substances.

11 In general, we find great merit in
12 the comments contained these documents. The
13 documents reflect an attempt to preserve the
14 spirit of our intent, and place them in a form
15 that will pass regulatory muster.

16 We do not see revealed in them any
17 major ideological differences, but rather
18 constructive and useful criticism given in the
19 spirit of collaboration. We agree with the
20 observation that the recommendation,
21 clarification of the definition of synthetic,
22 adopted on August 17th, 2005, needs to be

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1 organized in a logical sequence with the
2 explanation for its need clearly stated at the
3 outset, and which terms are more clearly
4 defined and separated from policy
5 interpretations, and which makes more concise
6 recommendations.

7 We are appreciative of the point-by-
8 point responses corresponding to the numbered
9 items in the NOPB recommendation, which
10 reflect a thorough and thoughtful analysis of
11 our original document.

12 In addition to the NOP's evaluation,
13 we've received a number of public comments
14 which reflect rigorous analysis of both our
15 original recommendation and the NOP's
16 evaluation of it.

17 These public comments will be taken
18 into account as well. The press of equally
19 urgent issues to be considered and acted upon
20 in advance of this meeting did not allow us to
21 draft a revised recommendation for the
22 definition of synthetic, in time to be

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1 discussed here.

2 However, we have devised a detailed
3 outline and proposed a time line for
4 incorporating the suggestions contained in the
5 NOP documents, into a revised recommendation,
6 that could be discussed and perhaps even voted
7 on at the next NOSB meeting.

8 In summary, the Joint Materials and
9 Handling Committee find that the two NOP
10 documents produced in response to the NOSB
11 recommendation on the definition of synthetic
12 on August 17th, 2005, contain valuable feedback
13 which the Joint Committee will be able to use
14 effectively to sharpen our recommendations
15 concerning the definition of synthetic.

16 The NOP suggestions, along with the
17 recently-received public comment, will be used
18 to propose a revised recommendation on this
19 subject, which will be posted well in advance
20 of the fall meeting allowing for a 30-day
21 public comment period, and perhaps a vote in
22 the fall meeting.

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1 We again thank everyone at the
2 National Organic Program responsible for
3 producing the thoughtful -- the thorough and
4 thoughtful comments contained in these
5 documents.

6 CHAIRMAN O'RELL: Thank you, Nancy.
7 Any questions or discussion?

8 (Pause.)

9 CHAIRMAN O'RELL: Okay. Thank you,
10 Nancy. Rigo is going to take the lead on our
11 next item, which will be a recommendation. So
12 we'll have a presentation and discussion on
13 Commercial Availability, and then this
14 afternoon we'll be taking a vote on that
15 document. Rigo?

16 Commercial Availability Committee Report

17 MEMBER DELGADO: Thank you, Kevin.
18 First of all, I want and appreciate all the
19 work that Julie put into this document and
20 rest of the two committees. It was fantastic
21 work and it was incredible to do over long
22 distance. It's just a lot of things.

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1 Essentially what we're recommending
2 is a document on establishment of commercial
3 availability criteria. The goal was to come
4 up with some acceptable criteria, to determine
5 what's commercially available or not.

6 Going straight to the
7 recommendation, we have essentially two, three
8 points. The first one involves the applicant,
9 and we're providing information on the -- that
10 should be included on the information to be
11 included in the petition that is posted on the
12 web page of the NOP.

13 It essentially provides information
14 to the petitioner of what materials or what
15 information must be included in that petition.

16 Point B talks about how the NOSB is
17 going to review those materials, highlighting
18 the point that we will be reviewing and not so
19 much evaluating the data.

20 In Point C, the third and last, it's
21 mainly a list of items that should be followed
22 by the ACAs, and describes in detail the

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1 different steps and points that ACAs should
2 follow to evaluate, validate and come up with
3 a decision.

4 The conclusion is the following: It
5 is the opinion of the NOSB members that the
6 three recommendations listed provide the
7 acceptable criteria and procedures to
8 determine commercial availability.

9 The recommendations provide for
10 timing determinations regarding commercial
11 availability. The recommendation from the
12 committee was moved by Andrea Caroe, seconded
13 by Mike Lacy. It was approved by 6 votes,
14 only one absent person, and that is my
15 conclusion of the summary.

16 We received a number of comments,
17 most of them positive. We only received
18 probably a couple negative, commenting on the
19 fact that perhaps the detail on the -- the
20 detail presented on Point B, referring to the
21 work of the NOSB, is not as much as should be,
22 and otherwise, very good reviews from most of

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1 the comments.

2 CHAIRMAN O'RELL: Thank you, Rigo.
3 Discussion and questions? No, no. We're not
4 voting on it now.

5 MEMBER CAROE: I know. But I mean
6 is this going to be a vote item or a
7 discussion item?

8 CHAIRMAN O'RELL: This will be a
9 vote this afternoon.

10 MEMBER CAROE: Then I do want to
11 kind of fill in some more background then.

12 CHAIRMAN O'RELL: Andrea?

13 MEMBER CAROE: This particular
14 recommendation went through quite a few
15 elaborate drafts. A lot of detail was put in
16 and then pulled out, and some of it put back
17 in. We really, really balanced with this for
18 quite a while.

19 The challenge for us with this was
20 to be efficient with the present petitioning
21 process, and allow for, you know, to try to
22 integrate into the processes that already

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1 exist, and also maintain the
2 flexibility of the certifier -- not the
3 flexibility -- the ability for the certifier
4 to do their job and act quickly on this
5 particular requirement.

6 So there was detail taken out.
7 Again, as I responded to Jim Riddle, who
8 commented on this the other day, our
9 recommendation for the adjustment to the
10 petition process is consistent with that
11 document.

12 I do respect the fact that Jim
13 suggests that there should be more detail, and
14 I feel that might be a follow-on item in the
15 entire petition process, in looking at the
16 detail that a petitioner needs to provide, not
17 only for this type of petition but for
18 petitions for other lists as well.

19 I consider that a separate item. At
20 this point, we need to quickly act on
21 commercial availability, so that we can move
22 forward, especially based on the changes that

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1 will be made due to the lawsuit.

2 Also, we had a tremendous amount of
3 detail included as far as the work of the
4 board and the work of the certifier. A lot of
5 that detail was also removed.

6 However, I can say that in working
7 with the certifiers, the Certification,
8 Accreditation and Compliance Committee is
9 going to collaborate with the program, and be
10 able to provide that level or that standard of
11 performance at the certifier training.

12 Guidance doesn't mean as much as if
13 we can actually integrate into the training
14 sessions, and establish that standards of
15 performance, so that the enforcement of this
16 would be in the accreditation process.

17 So that's just a little bit of
18 background, and this was a very work-intensive
19 recommendation. That's really all.

20 CHAIRMAN O'RELL: Thank you, Andrea.

21 Joe?

22 MEMBER SMILLIE: Yes. I think

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1 Andrea summed it up very accurately and
2 succinctly. The key here is that the NOSB
3 does have a responsibility to be part of the
4 process, and what we've tried to do is keep
5 our role as minimal as possible, and really
6 put the role of the certification agent as
7 primary in determining this.

8 But again, it's got to be a balance
9 between the NOP, the NOSB and the
10 certification agent. This is going to be an
11 extremely, extremely important issue, and that
12 we're really looking forward to a really
13 specific training in this.

14 Because it's one of those areas out
15 there that I think I find particularly
16 contentious, and that's the inconsistency of
17 interpretation by ACAs of commercial
18 availability. So it's going to be a real
19 focus of the program, and hopefully we'll aid
20 that focus, to make sure that manufacturers
21 and producers and everyone in the community is
22 judged evenly as far as commercial

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1 availability goes.

2 CHAIRMAN O'RELL: And I think this
3 goes really a long ways in terms of putting
4 out consistent criteria for the ACAs to apply
5 evenly, so that everybody's asking the same
6 questions, looking for the same bit of
7 information.

8 The other Part B in terms of the
9 board's role, and the board does have the
10 responsibility from OFPA in recommending
11 materials to the national list, for inclusion
12 on the national list.

13 But that's a public process. So
14 when materials come up, after the board
15 reviews them, their agricultural components,
16 they check the petitioner's petition for
17 completeness and make sure that there is some
18 credibility there for a case of commercial
19 availability.

20 That recommendation would be put to
21 the public, posted to the public for input.
22 So if people out there in the public know of

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1 this ingredient or material is available
2 organically, I mean that's the kind of
3 information, that's kind of the check that
4 we're looking for to bring that to the board,
5 before the board would vote on an item.

6 MEMBER MOYER: I have one question,
7 Kevin. In Section C, Item No. 3, where we're
8 asking -- I guess my question is are we asking
9 the ACAs to develop those lists and then
10 supply them to the applicant or the operator?
11 Is that any undue pressure on them?

12 Because the word just says "if they
13 have it." Does that mean we're inferring that
14 we're going to develop those lists, or if they
15 happen to have them they give them?

16 CHAIRMAN O'RELL: Joe?

17 MEMBER SMILLIE: I'd like to ask the
18 NOP to comment first before I did, because it
19 is one of the intentions to create some fairly
20 quick database access for that, and I'm just
21 wondering where --

22 MEMBER MOYER: In which case the

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1 applicant would have direct access to that
2 data, but not through the ACA.

3 MEMBER SMILLIE: Yes, because right
4 now, certification agents are -- well, it's a
5 complicated issue, because we're not allowed
6 to consult, in any way, shape or form or favor
7 one source over another.

8 So as certification is, we have to
9 be very removed from that process. At the
10 same time, we're judged with determining
11 whether that is available or not.

12 So sometimes we have confidential
13 business information that we know it's
14 available, but we're not allowed to see it.

15 So the ultimate answer, I think, on
16 this one is going to rest with the NOP
17 database.

18 MEMBER MOYER: This is inferring
19 that you're going to make that available.

20 MEMBER CAROE: Not particularly.

21 MEMBER SMILLIE: No, we really
22 can't.

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1 MEMBER MOYER: I'm sorry. Maybe I
2 read it wrong.

3 MEMBER CAROE: Notify them of
4 sources of information.

5 MEMBER SMILLIE: Which list?

6 MEMBER MOYER: Which list?

7 MEMBER SMILLIE: And right now --

8 MEMBER MOYER: The available -- list
9 the available ingredients, if the ACA happens
10 to have that list.

11 MEMBER SMILLIE: Correct, and well
12 speaking frankly --

13 MEMBER MOYER: That seems like
14 strange language to me. That's all.

15 MEMBER SMILLIE: Well speaking --
16 well, the only two sources that I -- and
17 again, I don't want to flavor the conversation
18 too much, but the only two sources I currently
19 think of is all of the web sites of the ACAs,
20 which list all of their clients and their
21 products, which is required in the regulation,
22 and the Organic Trade Association, the Yellow

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1 Pages.

2 Now I'm sure there are many others
3 out there, but right now, you know, it just
4 depends on your own specific knowledge of
5 those availabilities. Again, I don't want to
6 answer. I want to hear on the NOP on what
7 their answer is to this.

8 MR. BRADLEY: Mark Bradley, National
9 Organic Program. We've been wrestling around
10 with this as well, as far as how that
11 information would be made available to
12 certifiers.

13 A lot of people want to keep that
14 confidential, as confidential business
15 information. Sources of organic products, of
16 course, is contentious at best at some point.

17 I don't know that we're going to be
18 able to maintain that list at NOP just because
19 of, you know, the work requirements. So
20 that's something that's still up in the air.
21 How's that, Joe?

22 MEMBER SMILLIE: I don't think I'm

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1 really particularly fond of the answer, but
2 let's get more money available for the
3 National Organic Program, because it's really
4 -- I really believe that they have to be
5 repository of that kind of database.

6 CHAIRMAN O'RELL: Let Andrea go
7 first.

8 MEMBER CAROE: Okay. I just want to
9 give an example of the type of situation that
10 we're talking about.

11 If I'm a manufacturer of a
12 complicated product, and I want to use an
13 organic ingredient that's not available
14 necessarily on the market; nobody's selling
15 that particular ingredient as organic, I may
16 contract somebody to make that ingredient for
17 me, and pay for their certification. That's
18 done all the time.

19 But I don't want anybody, any of my
20 competitors to know that that company can make
21 that organic ingredient. It's my niche. That
22 is a situation where I don't want that company

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1 identified with that organic product.

2 We get into, you know, business
3 strategy as well. So you know, this whole
4 issue becomes very complex. Using lists like
5 the trade association lists or, you know, the
6 certifier list, is a very safe way to make
7 these available without pointing out that
8 "Gee, I know that there is, you know, organic
9 cherry flavor, you know. Here's the name of
10 the guy that sells it." We can't --
11 certifiers can't do that, so that's --

12 MEMBER MOYER: That's why I'm
13 concerned about this language.

14 MEMBER CAROE: It's saying "the
15 list," making the lists available if you know
16 of them. Just that's all we can do.

17 MEMBER MOYER: I mean, it's saying
18 that if somebody applies to use a product, and
19 the certifier is saying that they know that
20 something else is available, are they
21 obligated to make that available?

22 If they know that you're doing it,

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1 how do they get that information to somebody
2 else without --

3 MEMBER CAROE: Because you refer
4 them to a list. That's what the language of
5 this, of number three. It says that "You
6 notify the certification applicant or operator
7 of the sources of information which list
8 available organic ingredients. You don't
9 notify them of the source of the organic
10 ingredient. You notify them of the source of
11 the list."

12 MEMBER MOYER: Of the list, if you
13 have it.

14 MEMBER CAROE: Right. It's too hard
15 to tie down and be any proscriptive than that.

16 And as Joe mentioned, we have talked to the
17 program for a long time about the prospect of
18 this massive database. At that time, it will
19 be, you know, --

20 MEMBER MOYER: That would make it
21 easier.

22 MEMBER CAROE: It would make it

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1 easy. It would make a lot of things that
2 certifiers do easy, like their annual
3 reporting. But it's not there yet.

4 You know, I just have just gone
5 through doing a database for my company, and I
6 can't imagine the challenges that they have
7 with this sized database. But some day.

8 MEMBER MOYER: Thank you.

9 CHAIRMAN O'RELL: Bea?

10 MEMBER JAMES: Andrea, this is kind
11 of a philosophical question. Does that seem
12 somewhat unethical to you, that a manufacturer
13 would try to be secretive and exclusive with
14 their organic ingredient, and maybe
15 potentially force another manufacturer to move
16 to 70 percent or 95 percent because they can't
17 find that ingredient?

18 MEMBER CAROE: I absolutely don't.
19 I think manufacturers have a lot of trade
20 secrets. Their formulas are trade secrets.
21 They don't want anybody to know what those
22 are. It's business. I know, it's not

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1 unethical.

2 MEMBER JAMES: I just ask that at a
3 point in history when the organic industry is
4 trying to grow.

5 MEMBER CAROE: You know, it's not
6 that warm and fuzzy. This is about making
7 money.

8 MEMBER JAMES: That's just too bad.

9 MEMBER CAROE: Kevin.

10 CHAIRMAN O'RELL: Julie.

11 MEMBER WEISMAN: Also Bea, I just
12 wanted to clarify that not knowing that the
13 organic ingredient is available would not
14 necessarily move that product into a "made
15 with" category.

16 It means that the certifier would
17 agree that they've done their due diligence,
18 and that they will have an allowance to use
19 the non-organic agricultural product under
20 that situation.

21 CHAIRMAN O'RELL: Rigo?

22 MEMBER DELGADO: Well, I just want

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1 to emphasize the point that Andrea brought up,
2 that we do need to develop some sort of
3 criterion, especially with regards to Point B.

4 I still think that we should have a
5 consistent approach to evaluating these
6 materials, not only from material to material,
7 but year to year, and that's probably one item
8 that we should concentrate on.

9 CHAIRMAN O'RELL: Andrea?

10 MEMBER CAROE: This is just the
11 start. You know, look at our review process
12 and our evaluation forms. We don't even have
13 evaluation forms for these materials yet.
14 That level of detail is coming.

15 MEMBER DELGADO: I agree. I'm just
16 saying this is probably an action item for us,
17 for the work plan.

18 MEMBER CAROE: Absolutely.

19 CHAIRMAN O'RELL: Okay. Thank you,
20 Rigo. I guess we were schedule to go from
21 11:00 to 1:00, and it's 12:20, with public
22 comment. So we need to start public comment.

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6 MS. FRANCES: It's out there on the
7 --

8 CHAIRMAN O'RELL: Okay, because
9 otherwise I would announce the first two
10 speakers. I don't even know who that is.

11 MS. FRANCES: Kastel. Mark Kastel.

12 CHAIRMAN O'RELL: Mark Kastel will
13 be the first speaker when we come back at
14 12:30 sharp. Thank you.

15 (Whereupon, a short recess was
16 taken.)

17 Public Comment

18 CHAIRMAN O'RELL: We're going to
19 start the public comment session. We have a
20 lot of people signed up. This isn't a
21 requirement, but this is a plea from the
22 board, that if you can, keep your comments

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1 short. \

2 If you can keep them to three
3 minutes or less, it's really going to help us
4 get through this, because we have work to do,
5 and we have some people that are going to be
6 leaving here at the end of the day because we
7 scheduled an adjournment.

8 If we don't get to vote on these
9 action items, this is not going to be good for
10 the public. So I know it's not a requirement.

11 We can't cut public comment speaking time,
12 but I implore you to please help us out,
13 because we've got to get to our work.

14 We want to hear from the public.
15 Particularly we want to hear about the issues
16 that we've been debating this morning. That
17 would be the most helpful for us.

18 Let me read the NOSB policy for
19 public comments at NOSB meetings. All persons
20 wishing to comment at NOSB meetings during
21 public comment periods must sign up in
22 advance.

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1 Persons will be called upon to speak
2 in the order they sign up. Unless otherwise
3 indicated by the chair, each person will be
4 given five minutes to speak.

5 Persons must give their names and
6 affiliations for the record. A person may
7 submit a written proxy for -- to the NOP or
8 NOSB requesting that another person speak on
9 his or her behalf.

10 No person will be allowed to speak
11 during the public comment period for more than
12 ten minutes. We really hope we don't have a
13 lot of ten minutes. But if you have a proxy,
14 let us know.

15 Individuals providing public comment
16 will refrain from any personal attacks and
17 from remarks that otherwise impugn the
18 character of an individual. Thank you.

19 Our first speaker is Mark Kastel.
20 On deck, George Siemon. Third, Albert Straus.

21 MR. KASTEL: Good afternoon. Is
22 this working? Yes. I'm Mark Kastel. I'm

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1 here again representing the Cornucopia
2 Institute based on Cornucopia, Wisconsin. I
3 do have a proxy. We probably won't need that.

4 I'm going to really respect, Mr.
5 Chairman, your comments and requests, but I
6 have to say that this may be the last
7 opportunity we have to talk about origin of
8 livestock before court-mandated adjustments
9 are made. So particularly --

10 CHAIRMAN O'RELL: I understand.
11 We're not trying to --

12 MR. KASTEL: Right. But we also
13 respect your needs. So I want to tell you,
14 and we'll have a couple of brief comments on
15 materials.

16 A tale of two farms, to illustrate
17 where we're at here. I interviewed a farmer
18 in New York, who's milking about 100 cows on
19 pasture. He manages his calves from birth
20 organically.

21 He feeds his bottle calves 100
22 percent organic milk, the same quality of milk

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1 that he and his family market and that is
2 available on the store shelves.

3 He estimated his investment in the
4 milk alone at 15 to 17 thousand dollars per
5 year to raise 40 calves. He raises all his
6 animals when they're weaned on organic
7 pasture, hay, grain. He buys some of his
8 feed, and we know what organic commodities are
9 selling for today.

10 The story on the second farm, which
11 I visited last fall. I'm sorry. Strike that
12 from the record. This was not a farm I
13 visited last fall.

14 Second farm. I visited with the
15 officers of this corporation twice in the last
16 couple of months. A minimal amount of their
17 cows are on pasture. They sell 100 percent of
18 their calves at birth. They buy 100 percent
19 of their replacement heifers at 700 pounds or
20 approximately one year of age.

21 These heifers were most likely
22 raised with conventional milk replacer. We

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1 were discussing the intricacies of organically
2 approved milk replacer. But this milk
3 replacer likely contained dried blood, a BSE
4 risk, and was likely produced from milk that
5 had supplemental bovine somatotropin.

6 The feed crops or excuse me, also
7 these cattle might very well have been
8 administered antibiotics, and prohibited
9 parasiticides, and other prohibited
10 pharmaceuticals.

11 The feed grain is most likely coming
12 from genetically engineered crops. They are
13 fed feed that was raised with toxic
14 pesticides, herbicides and fungicides, and
15 again most likely in feed lot conditions.

16 That particular farm, Farm No. 2,
17 did not have an expense for lost milk.
18 Instead, they marketed probably 600 to 800
19 thousand dollars per year of extra milk that
20 that first farmer didn't have the same market
21 avenues for.

22 Both of these farms label their

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1 products as organic in the marketplace.

2 Very quickly, two other examples.
3 One I'll call a shell game. Farmer A -- I've
4 heard this story more than once from Western
5 farms, on Western farms.

6 Farmer A, organic certified dairy
7 producer. Sells all his calves off or
8 transfers them in some form to Farmer B, who's
9 a conventional heifer ranch. They're raised
10 using all those conventional management tools
11 that we discussed.

12 At one year of age, that animal is
13 transferred to Farmer C, who's a conventional
14 heifer operation. Now they're under -- now
15 they're transitioned under organic management
16 for one year of time.

17 At the end of that time, they are
18 distributed back organic farms, and there is a
19 strict prohibition in the current regulations
20 about rotating animals in and out of organic
21 management. They're breaking the current law
22 on some of these farms.

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1 Last example. There are some
2 farmers who've decided and some certifiers
3 that it's okay to use antibiotics on young
4 stock on certified organic farms. So during
5 the first period of life for these animals,
6 they could receive a myriad of different
7 prohibited materials, and then as long as --

8 In their interpretation, as long as
9 they're managed organically for the last year
10 before they go into organic production, it's
11 okay. It might be a split operation that has
12 organic and conventional cattle, so they might
13 just transfer them around on the farm.

14 But again, is this rotating in and
15 out of organic management, is it breaking the
16 current law? We need very much of a
17 tightening of the current regulations that are
18 being abused, and this is a great opportunity
19 with the court ruling to address this.

20 Very quickly, on two of the
21 materials you discussed, and this is for
22 information. We're not taking a position at

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1 the Cornucopia Institute, but let me tell you.

2 We've heard a lot of discussion from our
3 producers that are concerned that they won't
4 be able to whitewash their barns.

5 So if that is off the table, we
6 don't have to be concerned about it. But the
7 minute amount of incidental contact that might
8 occur, they're not whitewashing the feed
9 troughs, and it just, you know, I need you to
10 balance that, and if it needs to be qualified
11 so that that's an exempt operation using that
12 material.

13 We're not, I don't think, reviewing
14 other materials that are used to paint the
15 barn or the milkhouse. There are other FDA
16 and state regulations, and we should leave
17 that open.

18 And oxytocin, again for information.

19 That was one of the questions we asked when
20 we interviewed the 68 different private label
21 and name brand marketing entities that were a
22 part of our maintaining the organic integrity

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1 of milk study.

2 We found a very high percentage, if
3 not a majority -- I have not done the analysis
4 -- of people who say we don't use any of it.
5 I think one of the real reasons behind that
6 was that it's very consuming to the consumer,
7 that these marketing entities want to say no
8 antibiotics, no hormones. Not a little
9 asterisk saying "Well, no hormones, well but
10 maybe for therapeutic purposes."

11 Consumers can't kind of cope with
12 that. One safeguard obviously would be to
13 have a vet like Hugh say that it's only
14 applicable treatment if it's coordinated
15 through a veterinarian.

16 So I'm going to close by just saying
17 a big thank you for your patience yesterday,
18 and your courtesy. This board really showed
19 respect for the farmers that showed up here
20 from around the country, and I know they
21 greatly appreciated that, and they left with a
22 very positive feeling.

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1 MEMBER KARREMAN: Thank you. Mark,
2 I just want to thank you for keeping grazing
3 front and center in the organic community over
4 the last couple of years. As far as oxytocin
5 goes, I think -- I don't know what the
6 annotation is right now, but it is -- the
7 intent is only for an emergency purpose,
8 hopefully veterinary administered.

9 Maybe we can do that annotation, you
10 know, after the sunset process, and just for
11 the record with the whitewash, you were
12 referring to hydrated lime and you did not
13 mention it.

14 MR. KASTEL: I'm sorry. Thank you,
15 and you probably are well aware that on
16 conventional farms, there is a potential for
17 abuse of oxytocin as a production tool, and
18 that's what we're concerned with.

19 It's just like having antibiotics in
20 the milk house. If they're there, how do we
21 really know how well they're controlled.
22 That's why I would trust you, as being a

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1 practitioner, rather than just having it
2 available free for all. Thank you very much.

3 CHAIRMAN O'RELL: Thank you, Mark.
4 George, and Albert Straus on deck. Tony Moore
5 following that.

6 MR. SIEMON: Hello, I'm glad to be
7 here. George Siemon for the record. I kind
8 of just felt like addressing you all because I
9 missed orientation a little bit.

10 I really appreciate the experience
11 to be in the NOSB, from all the parties
12 involved, and it's a great sense of a growth
13 that we're all part of. I think it's admiring
14 the dedication. But I think it's also very
15 important to remember how unique the NOSB is
16 in the national government.

17 It's the only thing like it, and I
18 think it's so important that we keep this up
19 like we are, and I appreciate all of you all
20 doing it. I also am so glad to see Valerie on
21 board, and I've constantly given the advice of
22 how important staff support is, to marry the

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1 work plans of the NOP and NOSB.

2 So I think one thing that NOSB needs
3 to ask for is how can we dovetail with your
4 work plans, when we're working on things that
5 are common plain, instead of this just
6 differences.

7 I think everybody's working together
8 real well and I appreciate that.

9 My biggest concern about the whole
10 process is -- one of my biggest concerns is
11 the loss of the farm plan in the certification
12 process. It used to be our foundation, and
13 now I'm finding it to be almost irrelevant in
14 the certification process.

15 So one of my challenges is how do we
16 get back to using the farm plan, and that's a
17 very difficult one, because the farm plan --
18 we're kind of moving to an absolutism, where
19 the standard's this. There's no grey areas
20 because we're afraid the certifiers aren't
21 going to implement it equally.

22 So there's this move away from the

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1 farm plan that really concerns me. If we
2 heard the comments yesterday about intent,
3 intent, intent, intent, that's about the farm
4 plan, and how do you do that unless you have
5 some leveraging.

6 So I'm really interested in how we
7 take the guidance documents and develop This
8 kind of intent, and then how do we get the
9 certifiers to be out there by applying the
10 pressure. I heard the word "continued
11 improvement." I really think that was a
12 foundation of organics.

13 This move to only absolute
14 standards, the way I understand, it really is
15 covering up for a lack of evenhandedness
16 amongst the certifiers. I think that's a real
17 issue that Accreditation has to deal with.

18 You know, I think we need to have a
19 way that the certifiers know that there's all
20 this variation out there. I think we need to
21 have a way where they can report that to the
22 NOP and there's some response.

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1 I know this brings up the peer
2 review question, because that was the whole
3 idea. I found a committee working the other
4 day, applying the peer review model to
5 certifying organizations that will ensure a
6 high degree of integrity and consistency
7 amongst the certifying agents.

8 This is a big, big deal now, is how
9 do we get it more even out there, and how do
10 we get you all's guidance into the farm plan.

11 I think it's a major issue.

12 Another thing that I've really got
13 to remind you all is that I hear a lot about
14 science and organics, and if we were only
15 about science, we wouldn't be able to prohibit
16 any of the materials we've already prohibited.

17 They're already scientifically proven safe.

18 So we've got to watch out for this
19 "science" word. This is about organic
20 principles, and whether they're consumers or
21 farmers, it's all the same about organic
22 principles.

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1 So science is a bit of a trap for
2 us, because we're already defying the bulk of
3 the scientific community with their risk
4 assessment that this is safe. We're now
5 saying "No, we're not going to allow it, you
6 know, and whether it's safe or principles it
7 doesn't matter." Science is touchy stuff.

8 For those of you all who are new on
9 the board, I just want to remind you that out
10 here in this crowd is an incredible support
11 staff out here, people that are just
12 unbelievably experienced that have sat at
13 these meetings for 15, 10 years now, 13 years,
14 and who have a lot of experience.

15 I'd go back to what was said earlier
16 about the sunset thing. I think it's really
17 important that you all, at least the
18 chairpeople, have either the e-mail network of
19 previous chairpeople and reach out and ask
20 "What's the history here?"

21 I think there's a lot of history
22 being lost here, and I wouldn't agree with

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1 Andrea that we should not challenge the
2 previous work. There was some shoddy work
3 done in the early days, and I was part of it,
4 and it was not good work.

5 We have to -- I know the sunset has
6 its own process, but we have to challenge
7 things. There's a lot that has changed in
8 this industry from '95 to now that's
9 phenomenal in the knowledge base.

10 Specifically, oxytocin. I really am
11 surprised at your recommendation. Oxytocin
12 may technically not be a hormone, but it's
13 active like a hormone, it's understood as a
14 hormone. We've prohibited in our crops since
15 it was allowed by the USDA; we've never
16 allowed it.

17 I think it's really dangerous to
18 make decisions on the rare animal that's going
19 to need that. You know, things don't go
20 perfect on organic farms. That's what we have
21 conventional markets for.

22 You know, we don't allow sprays on a

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1 crop when the crop's challenged. You know, we
2 have to keep the marketing label. Allowing
3 oxytocin for that rare use to me is not the
4 right move. It's the wrong direction, with
5 the kind of scrutiny we have now.

6 We've not allowed it for 11 years, and we've
7 not had any, that I'm aware of, any real
8 issues there.

9 So to me, livestock's different than
10 crops. You have the opportunity to treat
11 them. We have the standard and the rule that
12 says you must treat, and then we have the
13 conventional market. So thank you very much.

14 (Applause.)

15 CHAIRMAN O'RELL: Thank you, George.
16 Albert. Tony Moore is on deck.

17 MR. STRAUS: Yeah, hi. I'm Albert
18 Straus from Straus Family Creamery, Marshall,
19 California. I have a few of the sunset
20 materials I want to talk about, and other
21 things.

22 I'm kind of shocked that after all

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1 this time, that we still have chlorine on the
2 list. I've never used chlorine as a sanitizer
3 in either a creamery or a dairy. I think it's
4 a carcinogen. It doesn't have a place in
5 organic, and I never thought it did.

6 Hydrated lime, I think that we use
7 it for -- on bedding for preventing mastitis,
8 as well as foot baths, instead of copper
9 sulfate, because copper -- we don't want to
10 the copper on our land.

11 So I would encourage that it stay on
12 the list for now. I don't know if lime by
13 itself or oyster shells isn't as effective,
14 because it doesn't have the pH level.

15 Oxytocin, it's a hormone. It's
16 being abused. It's being abused in
17 conventional dairies, and in split dual
18 operations, I have high concerns that it's
19 being abused, and I don't think it's being
20 tracked.

21 I don't think that certifiers are
22 finding out, getting receipts of medications

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1 of dual operations, as well as organic
2 operations are using, and preventing
3 illegitimate use of it.

4 You know, I haven't had a prolapsed
5 cow in probably a decade or more. So, you
6 know, I'm not -- I know you like the tools
7 but you know, we do with a lot less tools
8 these days.

9 Milk replacer, I have no problem
10 getting rid of that. I think I haven't used
11 milk replacer in quite a few years. You know,
12 emergency for milk replacers like, you know,
13 if you have to wait a couple of hour to feed a
14 calf or you know, find a cow to put it on, I
15 just -- I don't know.

16 It's just, you know, go out and hand
17 milk a cow if you need to. But I don't see
18 the use for a milk replacer in an organic
19 system.

20 Ivermectin, I don't feel that that
21 should be on the list for milking cows or cows
22 -- anything above, over a year old. I know

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1 that most of the problems are with the younger
2 heifers. They'd have to document the cases.

3 Let's see. That kind of ties into
4 my comments about replacement animals. What I
5 would encourage to get to one system really,
6 and I didn't think I talked that long --

7 One system is to have organic from
8 birth, and then have allowances, under
9 veterinary supervision or prescription, to be
10 able to treat calves with dewormer or an
11 antibiotic, within the first year of life, and
12 then have that year before production. Then
13 conventional replacements limited to five or
14 ten percent of a herd on an ongoing basis.

15 The only other thing I have is that
16 I have a pet peeve about treated sewage on
17 organic crops, tertiary treated and secondary
18 treated crops. I mean secondary treatment on
19 organic crops, I think, is ludicrous, and I
20 put it in a petition a couple of years ago,
21 but nothing ever happened, or complained,
22 excuse me. I guess I'll give up the minute.

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1 CHAIRMAN O'RELL: Thank you. A
2 question.

3 MEMBER WEISMAN: When you say
4 "treated sewage," is that something different
5 than sewage sludge, which is absolutely not
6 allowed?

7 MR. STRAUS: In my looking up what
8 sewage sludge is, it says any form of sewage,
9 liquid, solids, and treated sewage, in my
10 mind, whether it's test secondary or tertiary,
11 is sewage sludge.

12 MEMBER WEISMAN: So it shouldn't be
13 allowed. What's the --

14 MR. STRAUS: Should be allowed?

15 MEMBER WEISMAN: Should not, should
16 not.

17 MR. STRAUS: It's being used
18 readily.

19 MEMBER KARREMAN: It's prohibited.
20 It's one of the big three that's prohibited.

21 MR. STRAUS: Well, tell the
22 certifiers. Tell --

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1 MEMBER GIACOMINI: In my experience
2 with most certifiers, they're interpreting
3 sewage sludge as solids, and in the areas when
4 there's secondary and tertiary sewer water,
5 they're allowing that on crops.

6 MEMBER WEISMAN: So they're using
7 the effluent?

8 MEMBER KARREMAN: That's not --

9 MEMBER GIACOMINI: We think that a
10 lot of people have thought so, but that seems
11 to be where -- and it's coming from somewhere.
12 I mean, I don't know that they've thought
13 about it themselves.

14 MEMBER KARREMAN: I mean to make a
15 point, it's not even allowed for the use on
16 conventional product within the 30 percent of
17 a "made with" product.

18 MR. STRAUS: Well, it's being used.

19 MEMBER WEISMAN: Are we talking
20 about effluent, the water effluent? What
21 portion of the water are we talking about?

22 MR. STRAUS: When you treat sewage,

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1 you treat it in different --

2 MEMBER WEISMAN: I'm quite familiar
3 with it.

4 MR. STRAUS: And they're using it --
5 actually in Central Valley, California, cities
6 are putting that into irrigation systems, and
7 so that it gets irrigated onto organic as well
8 as conventional crops.

9 MEMBER WEISMAN: Now I'm trying to
10 understand. Are they putting out the water
11 effluent, or are they putting out water that
12 still contains sewage?

13 MEMBER OSTIGUY: Water effluent.

14 MR. STRAUS: It's the effluent that
15 --

16 MEMBER WEISMAN: Out of the
17 treatment plants.

18 MR. STRAUS: They separate the
19 solids, they aerate it and then they spray it
20 on the fields.

21 MEMBER WEISMAN: I can't see how
22 they are doing it.

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1 MEMBER ENGELBERT: And you're
2 saying, Albert, that certifiers are aware of
3 this and are allowing it?

4 MR. STRAUS: Definitely.

5 CHAIRMAN O'RELL: Is that the only
6 question?

7 MEMBER OSTIGUY: Can I make a
8 comment on that? What we're dealing with, and
9 it is going to happen more in the West than it
10 would in the East, and it's something that is
11 absolutely true of Europe, it depends on what
12 you want to define as effluent, and at what
13 point it stops being effluent.

14 Because what we currently do is
15 we treat minimum secondary in the United
16 States, very few tertiary facilities, and that
17 effluent, the water. So after we have gone
18 through the trickling water filters or
19 whatever it is to remove up to 95 percent of
20 the biologically active materials, which is
21 not necessarily stuff you see floating.
22 That's always gone.

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1 But there's still biological
2 materials left in there. That leftover water
3 portion is dumped into your rivers. Depending
4 on how close you are from where that is
5 released into a river, you could be drinking
6 effluent.

7 MR. STRAUS: There are concerns
8 about heavy metals, viruses --

9 MEMBER OSTIGUY: I know what the
10 concerns are. But it depends -- you know,
11 where are we going to draw the line then,
12 Because if I as a sewage treatment facility
13 dump that water into the river, and there's a
14 farmer a quarter mile downstream, that's
15 effluent also.

16 If you're in Europe, there is not a
17 stream that isn't primarily effluent, somebody
18 else's sewage treatment water that has been
19 put into the stream.

20 There are too many people. There
21 are very few rivers in the United States in
22 that shape, but the ones in the West are going

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1 to have higher concentrations. There's one
2 river near Las Vegas that is primarily
3 effluent.

4 CHAIRMAN O'RELL: Kevin?

5 MEMBER ENGELBERT: That's not in our
6 jurisdiction. That's out of our scope.

7 MEMBER OSTIGUY: Well, I understand
8 that. But if we're going to start talking
9 about effluent, the water being an issue, we
10 need to then decide when is it sewage and when
11 is it not in our minds.

12 MEMBER CAROE: Right. That's what
13 she's getting at.

14 MEMBER OSTIGUY: It's a gray area.

15 CHAIRMAN O'RELL: I'll take one more
16 comment on this, and then we're going to move
17 on. Bea?

18 MEMBER JAMES: I would like to ask
19 the NOP to address their opinion on that
20 situation.

21 MR. BRADLEY: We'll take a look at
22 this. This is Mark Bradley from the National

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1 Organic Program. This situation's new to us,
2 and we need to look at it, but we will.
3 Albert, if you could file a complaint. I mean
4 I'm not --

5 MR. STRAUS: I did a couple of years
6 ago.

7 MR. BRADLEY: Okay. I know.

8 MR. STRAUS: I'll follow up with
9 that.

10 MR. BRADLEY: We'll check into this.

11 MR. STRAUS: Okay, thank you.

12 CHAIRMAN O'RELL: Okay. Before we
13 get to our next speaker, I've just been asked
14 to make an announcement, that the restaurant
15 here, if somebody's planning to eat, closes at
16 2:00. So just so you know that.

17 Tony, Bill Clymer is next.

18 MR. MOORE: Well, given the food,
19 I'll make it really short. My name is Tony
20 Moore. I work for a company called Moore
21 Ingredients. I'm a certified flavor chemist.
22 We manufacture and create certified organic

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1 flavors and certified organic ingredients,
2 using them as flavors.

3 Thanks to all the board members
4 today. It's been really informative to me,
5 watching this whole stuff take place. It
6 leaves me with a lot of concerns and confused
7 me a little bit as well.

8 But the only thing I'd really like
9 to ask is that the topic of organic flavors be
10 explored more deeply, and be debated a little
11 more before any decision is made.

12 As probably everyone here is aware,
13 organic flavors and flavors in general are
14 very complex mixtures. Very rarely do they
15 constitute, you know, 100 percent ag except
16 for botanical isolates.

17 But flavors are generally mixtures
18 of ag and non-ag. They'll contain organic
19 solvents, organic fruit juices, organic
20 concentrates, acidulents (ph), and as well
21 some non-ag products.

22 Also, just be aware of decisions

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1 made to continue the creation, the
2 continuation of markets of organic products.
3 You know, in 1980, there was no natural
4 aromatics market. Consumers wanted natural
5 products, and the flavor industry rose to
6 that, and by 1990, natural flavors were our
7 fastest-growing category in the flavor
8 industry.

9 Also in 1990, it was thought that we
10 couldn't create complex organic flavors. Here
11 we are, 15, 16 years later and there's more
12 than several companies offering, creating and
13 selling organic products.

14 So please be aware of the decisions
15 you made and how they can create new markets
16 in the organic ingredients industry. Thank
17 you.

18 CHAIRMAN O'RELL: Thank you, Tony.
19 Did you have -- actually I did have a
20 question, Tony. Sorry. The points you're
21 making, could you give me some kind of
22 quantifying on the ag/non-ag part?

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1 Because one of the things we're
2 talking about is moving flavors to ag, to 606.

3 MR. MOORE: Sure. How about I give
4 a very brief description of a formula, a good
5 organic flavor formula. Let's pick -- pick
6 your berry. Usually can constitute a solvent,
7 usually 30 to 40 percent, which is going to be
8 alcohol, which is I would consider that
9 agriculture.

10 You're usually going to have
11 something of a named source. If it's a berry,
12 you're going to have blueberry juice
13 concentrate, ag source, correct? We may or
14 may have an acidulent, which could be citric
15 acid, which there is debatable. Right now
16 it's non-organic.

17 The biggest problem we have in
18 creating organic flavors in natural aromatics.

19 I've kind of put a little outline of some
20 aromatics on my comments. But there are some
21 aromatics, and I'm using -- that's a kind word
22 essentially for natural aroma chemicals.

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1 Some things can be completely
2 derived physically from name products. Like
3 in my description I had talked about anathol
4 (ph) being derived from anasoil (ph). You
5 could also see citrol from lemon oil. The
6 list goes on and on.

7 But there are also products that are
8 made from completely natural sources,
9 completely natural products that will not be
10 considered ag because they've either been
11 manipulated by simple list aerification (ph),
12 that don't exist in that, you know, state in
13 the natural product.

14 That's our big problem in flavors.
15 So you essentially, just like maybe, you know,
16 commercial organic food and beverage products,
17 we have a complex mixture. It's not one
18 singular product you can make one decision on.

19 Does that answer your question? Okay.

20 CHAIRMAN O'RELL: Bill Clymer and
21 Kim Dietz on deck.

22 MR. CLYMER: My name is Bill Clymer.

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1 I'm the parasitologist for Fort Dodge Animal
2 Health. I call Amarillo, Texas home.

3 I'm going to start out by saying
4 that I'm here representing Fort Dodge, but I'm
5 also here representing a number of organic
6 livestock producers, that asked me to get
7 involved a little bit in this fray as far as
8 antibiotic definitions are concerned.

9 Internal parasites can and do reach
10 clinical levels in our livestock. Parasites
11 can result in reduced production and even
12 death. Organic producers need product or
13 products that can be used to eliminate
14 clinical parasite problems.

15 When I say the word "clinical," I'm
16 talking about those that are at risk, and
17 still be kind to a non-target organism such as
18 the dung beetle.

19 I will refer to Moxidectin during my
20 discussion, but my comments will apply to the
21 rest of the microcyclic lactones and a general
22 term, and be Ivermectin, Vectomax (ph),

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1 Eprinex, as well as Cydectin.

2 The medically and regulatory
3 accepted -- okay. The medically and
4 regulatory accepted definition of an
5 antibiotic is an agent with anamicrobial or
6 anabacterial activity.

7 Moxidectin is an antiparasitic,
8 which includes the helmuts (ph) and insects,
9 but not anamicrobial activity and therefore is
10 not an antibiotic.

11 The structure of a compound is not a
12 predictor of its activity. An example
13 provided is erythromycin, a macrolide
14 antibiotic is anabacterial, not antihelumetic
15 (ph) or antiparasitic, if you prefer to use
16 that term.

17 It also works via an entirely
18 different mechanism of action. Therefore,
19 classifying molecules in a class via common
20 structure is inappropriate and misleading.

21 The next comment is taken from the
22 book *Food and Drug Dictionary: Official*

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1 *Regulatory Terms*, Government Institute's
2 Research Group. C. Adams was the editor.

3 From the preface of this book and I
4 read "It is important to keep in mind that
5 this dictionary is not just a collection of
6 absolute definitions, but is also a resource
7 to identify basic regulatory concepts.

8 "There may be other means for many
9 of the terms, but the definitions included in
10 this dictionary reflect use of the term in a
11 specific regulatory or statutory context.

12 "Each term carries a citation to
13 place the term in that context for the
14 reader."

15 Antibiotic drug. Any drug composed
16 wholly or partly of any kind of penicillin,
17 streptomycin, chlorotetracycline,
18 chloroanphenotrol or bacitracin (ph), or any
19 other drug intended for human use containing
20 any quantity of any chemical substance which
21 is produced by a microorganism and which has
22 the capacity to inhibit or destroy

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1 microorganisms in dilute solution or any
2 derivative thereof.

3 The actual quotation is listed at
4 the bottom of that slide.

5 Moxidectin or f-Alpha, as it was
6 first known when it first started being tested
7 for anabacterial activity, was found to have
8 none of these activities. Antibiotic clearly
9 refers to anamicrobial or anabacterial
10 activity, and is separate from antiparasitic.

11 Antihelumetics, an agent that is
12 destructive to worms. This is all still
13 quotes from this book that I cited earlier.

14 Another book, *Pharmacological Basis*
15 *of Therapeutics*, 8th edition, is taken from
16 Section 11, "Chemotherapy of Microbial
17 Diseases"; Chapter 44, "Anamicrobial Agents,"
18 and this is considered the bible for
19 pharmacologists all over the world.

20 Dr. Goodman and Gilman were the
21 editors. Dr. Gilman won the Nobel Prize for
22 Medicine in the mid-90's, so these guys are

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1 not amateurs.

2 "Antibiotics are chemical substances
3 produced by various species of microorganisms,
4 i.e., bacteria, fungi, acetomycetes (ph), that
5 suppress the growth of other microorganisms
6 and may eventually destroy them.

7 "When antibiotics are used," and
8 this is still quoting, "When antibiotics are
9 used to treat an infection, a favorable
10 therapeutic outcome is influenced by numerous
11 factors. However, in simple terms, success is
12 dependent on achieving a level of antibacterial
13 activity as the site of infection that is
14 sufficient to inhibit the bacteria that tips
15 the balance in favor of the host."

16 Looking at erythromycin, what I
17 would consider a true antibiotic, looking at
18 the mechanism of action, erythromycin and
19 other macrolide antibiotics inhibit protein
20 synthesis by binding reversibly to 50-S
21 ribosomal subunits of sensitive
22 microorganisms.

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1 Erythromycin and Moxidectin are in
2 the same structural class. However,
3 erythromycin is an antibiotic; Moxidectin is
4 an antiparasitic. They have different
5 mechanisms of action and target. The
6 structural properties of any compound are not
7 predictive of activity or mode of action.

8 "Moxidectin was tested for
9 anabacterial activity and was found to have
10 none." Thank you.

11 MEMBER JAMES: I have a question for
12 you.

13 MR. CLYMER: Yes ma'am.

14 MEMBER JAMES: Do you have a
15 conclusion to your presentation? A very,
16 short quick-like in summary what you really --

17 MR. CLYMER: In summary, what I'm
18 saying is that the microcyclic lactones, this
19 would be Ivermec, Vectomax, Eprinomectin (ph),
20 Cydectin and then some other generic look-
21 alike type products, are not classified to
22 those of us in the medical profession and in

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1 the livestock profession as antibiotics.

2 They are classified as
3 antiparasitics. The antihelumetics refer to
4 just the worms, but when we say
5 "antiparasitics" we're talking about internal
6 and external.

7 All four of these products, the
8 microcylic lactones, are called endectocides.

9 That means I actually have activity, I guess,
10 against both internal parasites, such as the
11 worms, and some external parasites such as
12 lice, mites and that sort of thing.

13 So in summation, I would say that
14 antibiotics and antiparasitics, even though
15 they may be all in the macrolide group, they
16 actually have different activity, different
17 mode of action, different targets and
18 therefore I do not think they should be
19 classified as an antibiotic.

20 CHAIRMAN O'RELL: Hugh.

21 MEMBER KARREMAN: Thank you for
22 clarifying this for us. We'll take it

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1 definitely into our consideration.

2 CHAIRMAN O'RELL: Yes ma'am.

3 MEMBER OSTIGUY: Would you say that
4 the similarity in structure is used initially
5 to try and select for which chemicals to
6 evaluate for similar activity, but from there,
7 they may or may not, as you're explaining,
8 it's not active. So then the structure no
9 longer --

10 MR. CLYMER: I'd say that's a very
11 good assumption, Because most of the companies
12 involved in development, and I spent 23 years
13 as a private consultant and a contract
14 researcher and then was on the Texas A&M staff
15 prior to that.

16 So I haven't spent but a very small
17 portion of my adult life working for an
18 industry, or working for industry
19 specifically. They have a screening program,
20 and they're looking --

21 When they go through a screen, they
22 look at bacterial, fungi, insects, helmut's,

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1 all these different things. So any compound
2 that they find, if it has activity, say,
3 against a disease, then it goes in the vet
4 development program.

5 So they do start out looking for
6 similar structures. I was fortunate enough to
7 be the first one to inject Ivermec in a cow in
8 1976 as a researcher.

9 That product was actually found on a
10 golf course in Japan, and I think maybe some
11 executives were out trying to justify playing
12 golf. But anyhow, but that's where that
13 molecule actually came from. Any other
14 comments? I appreciate very much your time.
15 Thank you.

16 CHAIRMAN O'RELL: Thank you. Kim
17 Dietz, followed by David Hiltz.

18 MS. DIETZ: Kim Dietz, past NOSB
19 member. I'm going to comment on commercial
20 availability, kind of rubber meets the road
21 with this. I agree that the document is a
22 great document. I'm concerned with a couple

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1 of things.

2 One, again from a historical
3 standpoint, the NOSB has made a recommendation
4 on commercial availability, and in this
5 document, it says that there's no standardized
6 criteria to the ACAs.

7 I know the board has a
8 recommendation out there, and that some
9 certifiers, I hope most of them, are using
10 that recommendation. I know that our
11 certifiers are requiring us to follow those
12 guidelines, and we submit our background on
13 why some things aren't commercially available.

14 So I'd encourage you to go back and
15 look at that. I think Jim Riddle gave
16 Rigoberto a copy of that yesterday.

17 The rubber meets the road. I'm
18 concerned that this document is vague and that
19 you're going to have a lot of materials coming
20 in to be petitioned under 606.

21 I'm on the OTA task force for 606,
22 and I know that we've been kind of waiting for

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1 this document to come out, so we know exactly
2 what we need to petition and how, so that the
3 petitions don't get rejected. So you should
4 start seeing a number of petitions coming your
5 way.

6 I'm primarily concerned with under
7 the Recommendation No. 2, it says "When
8 petitioning for inclusion on the national list
9 of non-organically produced agricultural
10 products, the petition must state why the
11 product should be permitted, and the
12 production or handling of the organic product.

13 "Specifically, the petition must
14 include current industry information." What
15 is current industry information? The past
16 board recommendation said that you must show
17 three sources that you've tried to seek out
18 that organic alternative, and you must have
19 that documented.

20 So that past historical perspective
21 should be in there somewhere, that a minimum
22 of three vendors should be provided. You guys

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1 should ask for that, because it's currently
2 hopefully being used. So that's the one area.

3 The other one is under (c)(2). "The
4 certifier must validate" or "shall," it says
5 "shall validate that the applicant or operator
6 has documentation proving that the ingredient
7 is not commercially available in an organic
8 form."

9 Again, what is that documentation?
10 How much of it do you like? Is one person
11 going to submit one letter from a supplier
12 saying they don't have it, and some others
13 submit ten? You need to be, I think, a little
14 more specific with that. The minimum of three
15 has been the industry standard.

16 Then also in order for an accredited
17 certifying agent to allow this, it says that
18 the organic form may be allowed once they've
19 reviewed "a credible, available information
20 listing, known sources of organic
21 ingredients."

22 That doesn't exist, and is that

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1 going to bog down materials being allowed
2 under 606. So that's my -- I'll just
3 conclude with that. But I think that -- I
4 know we need it. But again, I'm concerned
5 that there's not going to be consistency out
6 there.

7 CHAIRMAN O'RELL: Andrea?

8 MEMBER CAROE: I just want to
9 reiterate that what we did with this document
10 is this document is related to including
11 materials on 606 open to commercial
12 availability.

13 Those previous recommendations and
14 how the certifier determines commercial
15 availability comes as a second process.
16 They're still intact, but they can't even do
17 that process unless the material's on 606.

18 MS. DIETZ: Right, Right.

19 MEMBER CAROE: So this, you know, I
20 feel that level of detail needs to remain, but
21 it's a separate process than what we're
22 discussing.

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1 MS. DIETZ: Okay. I just -- you
2 know, from a certifier's standpoint, and
3 that's your expertise there. But is a
4 certifier going to say "Well, I don't have
5 this database, so therefore I don't know if
6 it's available in other places."

7 So there's just -- it seems a little
8 vague to me, and there's no list out there.
9 So you may -- it says they shall do it, and
10 that's shall use "they must." So you may want
11 to give them some options in this document.

12 MEMBER CAROE: And they can. There
13 is a list on OTA's website open to anybody
14 right now. So there's no reason why they
15 can't.

16 MS. DIETZ: All right. As long as
17 it's there. I heard earlier that there was no
18 list, and I know it's not -- you know, you're
19 using one source, a trade association, and
20 that's only going to list people's ingredients
21 that they ask to be put on that.

22 MEMBER SMILLIE: Well, by the

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1 regulation also there is a list of products on
2 each of the accredited certifiers'
3 association lists or websites.

4 MS. DIETZ: Okay. That's not as
5 much a concern as making sure that the handler
6 validates the minimum of three suppliers, and
7 right now you don't have any numbers in there.
8 That was more of my concern than the list.

9 CHAIRMAN O'RELL: David Hiltz, and
10 do you have a proxy?

11 MR. HILTZ: Natalia Milo (ph) was
12 signed up behind me, and actually she's agreed
13 to allow me to use her time if necessary. So
14 I don't think I'll need that. I'm going to
15 cut my comments down in lieu of your earlier
16 statement.

17 CHAIRMAN O'RELL: So you have ten
18 minutes.

19 MR. HILTZ: I do have ten minutes,
20 but I don't think I'm going to use it, given
21 that --

22 CHAIRMAN O'RELL: Okay.

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1 MR. HILTZ: Well, good afternoon
2 everybody. Many thanks to the NOP and the
3 NOSB for continuing to allow us to provide
4 public comment on organic issues, and welcome
5 to the new board members who I have not met
6 before, and we appreciate your commitment that
7 you've put in for the next five years.

8 My name is Dave Hiltz. I'm a
9 research scientist with Acadian Sea Plants.
10 Acadian Sea Plants is one of the largest
11 manufacturers of aquatic plant extracts in the
12 world.

13 We're located in Nova Scotia,
14 Canada, and our company has supplied both kelp
15 meal and the synthetic aquatic plant extracts
16 to growers for use in both organic and
17 conventional agriculture for the past 15
18 years. We certainly continue to hope to
19 continue to do so in the future.

20 I come before you today to comment
21 on your ongoing sunset process for the
22 existing national list, and specifically the

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1 recommendation of the Crops Committee for the
2 renewal of aquatic plant extracts under
3 205.601(j).

4 Acadian Sea Plants mostly agrees
5 with the findings of the committee, and also
6 of the TAP review panel, and we're pleased
7 with the recommendation of the committee to
8 review aquatic plant extracts.

9 The majority of the comments that I
10 have today are going to focus on the
11 discussion of some of the points that have
12 been contained in some of the earlier public
13 comments, and again give Acadian Sea Plants'
14 opinions on some of the comments that you've
15 heard.

16 One of the big issues that continues
17 to arise seems to be the issue of the
18 potential for aquatic plant extract
19 manufacturers to somehow fortify their
20 extracts with potassium, through the excess
21 use of alkali during the extraction process.

22 I certainly can't speak for all

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1 companies, but I will again reiterate what
2 I've said at all the meetings that I've
3 attended, that for our company that simply is
4 not a possibility.

5 The extraction process that we use
6 was developed in conjunction with research
7 scientists at the National Research Council of
8 Canada, and it is very sensitive to the amount
9 of alkali that we use.

10 If we put in too much alkali, it
11 causes us major production problems. If we
12 put in too little alkali, it causes us major
13 production problems. So we spend a lot of
14 time within the company, in our quality
15 control process, to make sure that we use only
16 the minimal amount that is required with our
17 established process to produce a quality
18 product.

19 One of the things I've also heard
20 stated is that these products, if you look on
21 the Armory list, for example, you'll see that
22 the potassium level varies more between two

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1 and 20 percent.

2 What no one has mentioned is the
3 fact that those products also vary in solids
4 content widely. Some of those are very, very
5 dilute liquids; some of those are dry soluble
6 powders.

7 If you were to actually put the
8 potassium content in context of the actual dry
9 matter of all those products, you would find
10 that any of them that are alkali-extracted
11 made with potassium are all going to come in
12 at almost the same level.

13 The fact that one of them is a ten
14 percent solution, of course it's going to
15 lower the potassium level down. So that's
16 where some of the confusion comes in there.

17 But the suggestion that alkali
18 extraction allows us to market potassium
19 fertilizers at an elevated price is simply
20 without merit.

21 These products, as Gerald pointed
22 out this morning, are applied at the level of

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1 ounces and maybe pounds per acre, and the
2 agronomic impact of applying that to a crop is
3 simply insignificant.

4 At the recommended application
5 guidelines, our products would supply
6 considerably less than one percent of the
7 required potassium for a field crop. Given
8 the cost factors involved, it simply is not
9 going to be economically feasible for a farmer
10 to over-apply that.

11 Even if they did try to do that,
12 aquatic plant extracts made from marine plants
13 contain a natural level of sodium that is
14 about one-third of what the level of potassium
15 is in the final product.

16 So even if you did try to over-apply
17 that, you would end up, if you tried to, for
18 example, apply 20 pounds of potassium through
19 over-applying aquatic plant extract, you would
20 inadvertently apply six or seven pounds of
21 sodium. You could see that very quickly it's
22 going to run into causing a salinity issue.

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1 So we just don't feel that that is a
2 viable possibility that anybody could do
3 that.

4 A number of commenters have also
5 commented on the use of potassium carbonate as
6 an appropriate alkali to use. Indeed, a
7 number of our competitors do use that product
8 now.

9 Acadian Sea Plants has no comment
10 one way or the other on that. It certainly is
11 a viable alkali to also use. The one thing I
12 will point out is that in our opinion, in our
13 experience, anybody that is using potassium
14 carbonate is doing it using a pressurized
15 extraction process, whether instead of extract
16 --

17 For example, our company extracts at
18 an ambient temperature and pressure. With the
19 use of the carbonate, which is not as strong
20 of an alkali, you have to account for that by
21 usually using high pressure and high
22 temperatures, usually on the order of 300 to

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1 350 degrees Fahrenheit.

2 So there isn't -- that process is
3 viable, but it is a different process than
4 what we do, and certainly we wanted to point
5 that out to the board as well.

6 One of the other issues that we've
7 talked about is the existence of some of these
8 non-synthetic type extracts. Indeed, the
9 study that Armory had commissioned had looked
10 at the viability of whether or not alkali
11 extracts were needed.

12 In that -- some people have
13 concluded that from that report, that there's
14 a statement that or there's a conclusion that
15 the alkali extracts are not needed.

16 It's unclear to us how they could
17 come to that conclusion, given that on page
18 four in the statements, there's an ambiguous
19 statement where they say that, I quote here,
20 "Both alkali and non-alkali extracts may have
21 some value in crop treatments, although it is
22 clear that the latter" --

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1 "It is not clear that the latter,"
2 which would be the non-alkali extracts, can
3 provide responses comparable to alkali
4 extracts.

5 Yet later in the same statement,
6 they say it is possible to establish -- it's
7 not possible to establish the necessity of
8 alkali potassium hydroxide in the making of
9 extracts.

10 Well, if there's no clear evidence
11 that the non-alkali extracts work as well as
12 the alkali extracts, how can you conclude that
13 the non-alkali extracts, that alkali is not
14 required? That's very, you know, confusing to
15 us.

16 And also the other thing I would
17 point out is the fact that some of these non-
18 alkaline extracts, which you would think would
19 be totally natural and non-synthetic, we don't
20 disagree that there are processes out there
21 that will allow for the manufacture of a non-
22 synthetic extract.

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1 The problem then becomes is the same
2 problem that all of us have, is trying to
3 bottle that into something that's shelf-life
4 stable. You can certainly use pressurized,
5 differential pressures, freezing, thawing.

6 But at the end of that, you'll end
7 up with a seaweed suspension usually, that
8 again is going to be -- if you can't find some
9 way to preserve it or stabilize it, it's going
10 to be susceptible to microbial action.

11 So some of these products that are
12 on the marketplace, even though they say well,
13 we don't use alkali, we don't use any
14 synthetic chemicals in the extraction process.

15 "No, you don't." But a lot of them do, then
16 subsequently add synthetic micronutrients or
17 synthetic preservatives to stabilize their
18 products.

19 So even though it looks like it's
20 non-synthetic, it may not really be.

21 So in closing, I just, you know, I
22 just want to again thank the board for their

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1 continued work on this, and we again thank you
2 for your proposal that for the renewal of
3 aquatic plant extracts as they're currently
4 listed.

5 Given that a number of us, the
6 manufacturers produce these products in such
7 different ways, with respect to the question
8 of trying to limit the amount of alkali or set
9 some number for the amount of alkali, we would
10 suggest that would be a difficult process.

11 We certainly will work with the
12 board, if that's something they choose to do.

13 But we'll warn you that that is -- again,
14 given all the different types of manufacturing
15 of the alkali extracts out there, it would be
16 very difficult to establish one of those as
17 being an official process, so to speak. So I
18 thank you very much for your time.

19 CHAIRMAN O'RELL: Kevin.

20 MEMBER ENGELBERT: Thank you, David.

21 On the very -- the last line on the very
22 first page of your presentation, I want to

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1 make sure I understand what you're saying. Is
2 there a typo? Are you trying to say "thus
3 rendering them synthetic, despite the lack of
4 chemicals used"?

5 Should that be "Instead, they are
6 often mixed with synthetic micronutrients."
7 Is this what I'm reading?

8 MR. HILTZ: Yes.

9 MEMBER ENGELBERT: This is where --

10 MR. HILTZ: Yes. It says they're
11 often mixed with synthetic micronutrients or
12 preservatives that produce a shelf-stable
13 product, thus rendering them non-synthetic" --
14 yes. That's kind of what I was saying before.

15 MEMBER ENGELBERT: It should say
16 "synthetic"?

17 MR. HILTZ: Yes. I apologize. Yes,
18 you're right. That should be "synthetic."

19 MEMBER ENGELBERT: Thank you.

20 CHAIRMAN O'RELL: Thank you. Lou
21 Anderson is up next, and I've been asked to
22 make an announcement. It's hotel policy not

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1 to bring food into this room for eating. So
2 I'm sorry. I'm making the announcement.

3 MR. ANDERSON: I'm Lou Anderson. I
4 represent Idaho Organic Feed Growers
5 Association. I apologize, but I need to talk
6 about the pasture issue again.

7 I represent a group of 60 plus
8 organic farmers, all family farmers in Idaho.
9 We produce organic feed for organic dairies.
10 We're in an area that's kind of unique. We
11 can produce organic feed there very
12 efficiently and in a very sustainable,
13 friendly manner.

14 Because of the elevation and the
15 moisture that we get there, and the growing
16 conditions, the short growing season, we take
17 generally just one cutting of hay. Our barley
18 yields, we can only grow short season grains
19 because of the climate.

20 Our barley yields are usually 20 to
21 30 bushels per acre. So the natural
22 calcification or natural state of the soil

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1 pretty much takes care of our soil fertility.

2 We don't have a lot of weed problems
3 there, we don't have a lot of insect problems
4 there, so it's just a natural place for that
5 to happen. Unfortunately, that's about the
6 only crop that we can grow there. We don't
7 have a lot of crop choices.

8 This is my first experience at one
9 of these meetings, and it's been very
10 enlightening. All of you guys on the board,
11 on the NOP, I really appreciate your patience
12 in what you do, because it's at times
13 certainly it's not much fun.

14 We support pasture for organic
15 dairies. Our concern is that prescribed
16 amounts of pasture may put unnecessary
17 economic burdens on some of the Western
18 dairies.

19 We would support focusing more on
20 the overall animal health and welfare than on
21 whether the only feed those animals get is
22 pasture.

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1 Our concern is that if this takes
2 place, these dairies may not be able to
3 operate financially and would go out of
4 business, and we have established over the
5 last ten years a market for about 60,000
6 acres' worth of organic feed.

7 We produce in the neighborhood of
8 100,000 tons of organic feed every year, which
9 we're able to market at this time. It injects
10 in the neighborhood of 15 to 20 million
11 dollars a year into the economy of our area.

12 A number of the farmers that I
13 represent, probably half would tell you that
14 if it was not for the organic industry and for
15 their ability to farm organically and produce
16 and sell organically that they would not be
17 farming now.

18 It's a problem in our area that the
19 land values have become so high that sometimes
20 it's easier to sell than it is to continue
21 farming. Because of organics and because of
22 organic feed production, we have been able to

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1 keep most of these farmers on the land.

2 I'm a fourth generation Idaho
3 farmer. Most of the people I came here today
4 to talk for are second, third and fourth
5 generation Idaho farmers. We just feel that
6 maybe we haven't been heard or people don't
7 know who we are.

8 So they sent me out here to
9 introduce myself and introduce us to you guys.

10 Like I said, we feel that what we do that
11 we're very strongly supportive of the organic
12 program and the organic rules.

13 We feel we produce a very organic,
14 very nutritious product something, like I
15 said, in a very friendly, earth friendly, very
16 sustainable manner, and we'd like you to
17 consider our position in this in the dairy
18 question, that we may continue to do that and
19 may continue to grow that industry as the
20 organic dairy industry goes in our area.

21 I think it's important that organic
22 dairy products are produced in a manner that

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1 are affordable to the general public. I see
2 that happening now. I'd like to see that stay
3 the same way if we can do that.

4 I appreciate your time. Thank you.
5 Yes sir.

6 CHAIRMAN O'RELL: Thank you, Lou.

7 MEMBER DAVIS: What part of Idaho
8 are you located in?

9 MR. ANDERSON: We're in South
10 Central Idaho.

11 MEMBER DAVIS: Name some cities.

12 MR. ANDERSON: We're about 50 miles
13 west of Sun Valley.

14 MEMBER DAVIS: Okay. So you're
15 between --

16 MR. ANDERSON: We're north of Twin
17 Falls.

18 MEMBER DAVIS: Okay, between --

19 MR. ANDERSON: Between Boise in the
20 north. Actually, we have growers that go from
21 the Boise Valley to the Teton Valley, and from
22 Snowville, Utah the other way.

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1 MEMBER DAVIS: Okay. So you're all
2 across that broad patch of land?

3 MR. ANDERSON: All across that broad
4 band, yes sir. Yes.

5 MEMBER KARREMAN: Thank you very
6 much for coming in and taking your time out.
7 All I can say is there's a lot of Eastern
8 organic dairy farms that love Western hay. It
9 certainly would be nice to see some of -- or
10 more of your hay come into the East.

11 MR. ANDERSON: I've been contacted
12 by a number of people. Unfortunately at this
13 point, the freight is -- seems to be
14 prohibitive.

15 MEMBER KARREMAN: Yes, but still,
16 the organic farmers right here in Pennsylvania
17 will buy hay from -- organic hay from Nebraska
18 and what-not. So please keep us in mind on
19 this end of the country.

20 MR. ANDERSON: That's what we do for
21 a living. We'd be glad to bring it any place
22 we can.

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1 (Laughter.)

2 MEMBER KARREMAN: Well, there's been
3 a shortage, this year especially. You've got
4 another question.

5 MEMBER SMILLIE: One cut, because
6 that's the length of the season or --

7 MR. ANDERSON: Because that's the
8 length of the season and the moisture we have.
9 We have maybe 18 or 19 inches of moisture,
10 but most of it comes in the form of snow in
11 the winter.

12 During the last ten years of
13 drought, we've gotten about half a cutting.
14 So the organic has made that so we could still
15 continue to survive. If not for that, I'm
16 sure we'da been out of business.

17 MEMBER SMILLIE: Is that irrigated
18 or natural?

19 MR. ANDERSON: Most of the acres are
20 natural, non-irrigated. There is some
21 irrigation, but most of it's natural non-
22 irrigated.

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1 CHAIRMAN O'RELL: Thank you.

2 MEMBER KARREMAN: Thank you, Lou.

3 CHAIRMAN O'RELL: Cayse Warf is up,
4 and next on deck, Gwendolyn Ward.

5 MR. WARF: Good day. My name is
6 Cayse Warf. I work with EcoLab. I have
7 special interest in daily cow health and
8 welfare through teat dips and hair hoof wart
9 treatments, and also food safety assurance
10 during processing through the use of food
11 contact antimicrobials, and efficacious
12 applications of oxidants for cleaning and
13 sanitizing.

14 I really appreciate the work for the
15 NOSB and the NOP, especially you guys that are
16 volunteering. Keep going. However, I have a
17 couple of concerns and some suggestions I
18 would like to share with you this morning.

19 Similar in some ways, I think that
20 the process is kind of like the reproduction
21 of elephants. After the initial courtship
22 rituals, it takes about two years to get a

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1 product. So let's work on that.

2 It seems -- well, I won't even go
3 into that. Where is our *Federal Register*
4 publication for peracetic acid? I think I
5 know the answer right now. I've talked with
6 Arthur and some others in there.

7 But you've already made your
8 recommendations. Now is it going to take two
9 years before we get a publication, so that we
10 can go ahead and start using that? It should
11 not be that way.

12 A couple of things that I'd like to
13 mention too is the inconsistency in our
14 certifiers. Yesterday, it was very
15 interesting to me to see the Shiitake mushroom
16 presentation here, that they had been using
17 the process for years and years, okay, with
18 multiple certifiers, okay.

19 No problem with at all. You come up
20 with one certifier that says "Well, that's an
21 input," instead of a plastic bag and whatever
22 else. It should not be that way. It should

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1 not be that way, that certifiers can be willy-
2 nilly in their certification or what they're
3 requiring.

4 Another example is recently, we had
5 a customer using a material on poultry
6 processing for chicken carcasses. One
7 certifier had no problem at all, seeing that
8 it was under an advisement letter from USDA,
9 that it was a food contact substance.

10 Another certifier in another state
11 says "No, it's not. We disagree with that.
12 We don't go along with the recommendations
13 from USDA," and they would not certify it. It
14 should not be that way, that one certifier can
15 allow it and another should not. That needs
16 to be fixed.

17 So I called on the NOP quickly to
18 address food contact substances, and quickly
19 rule that they are not under the jurisdiction
20 of the NOSB.

21 Or I propose that the NOP create a
22 new category called "Food safety

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1 antimicrobials," including all substances
2 codified in 21 C.F.R. 173, which is secondary,
3 direct food additives, and legislate that
4 their automatic inclusion by reference in the
5 NOP list, and not require them to go through
6 the listing process on the NOP.

7 I understand that the NOP is a
8 marketing program, so it should not trump food
9 safety in any aspect at all. Organic
10 consumers expect and deserve that the organic
11 labeled meat, poultry, fish, fruits and
12 vegetables are as safe from pathogens as non-
13 organically processed food. Right now, that
14 is not 100 percent certain. Thank you.

15 CHAIRMAN O'RELL: Thank you. Any
16 questions? Gwendolyn. I'd just remind
17 everybody we still have 90 minutes of public
18 comment to go, and the board needs to do some
19 deliberation on these action items.

20 MS. WYARD: Good afternoon, Mr.
21 Chairman, members of the NOSB, NOP staff and
22 ladies and gentlemen of the gallery. My name

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1 is Gwendolyn Wyard. I'm the primary
2 processing program reviewer at Oregon Tilth,
3 representing 744 members and 411 certified
4 processors.

5 I'm pleased to be here today and
6 provide comments regarding the retention of
7 flavors. My comments were submitted on April
8 10th, so hopefully you have those in your book.

9 While the committee recommendation
10 refers to both flavors and colors, I am going
11 to focus my comments today on flavors, keeping
12 in mind that most of my comments also apply to
13 agricultural colors.

14 Oregon Tilth does not support the
15 retention of the current listing of flavors,
16 but rather supports transition to a defined
17 inclusion of non-agricultural flavors, as per
18 the 205.605 heading.

19 I'd like to recognize and emphasize
20 right here from the starting gate that
21 complete elimination of flavors from 205.605
22 would be premature. I agree with that,

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1 because non-agricultural, non-synthetic
2 flavors, they arguably exist.

3 However, many flavors are
4 agricultural by current rule definition, and
5 would be more appropriately listed under
6 205.606, if not commercially available in
7 organic form.

8 So the current listing of flavors is
9 too broad, and I think we agree. We agree
10 with that. The FDA definition of natural
11 flavor ranges from simple botanical extracts
12 or essential oils such as peppermint extract,
13 lemon oil to the aroma chemicals that Tony
14 Moore from Moore Ingredients mentioned
15 earlier, 6-3-hexanol (ph), acetic acid,
16 etcetera, etcetera, to protein hydrolyzates
17 (ph) and fermentation products. Then there's
18 the complex mixtures of agricultural and non-
19 agricultural.

20 So the crux of the situation is
21 this: I want to use peppermint extract as an
22 example. It's a simple botanical extract.

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1 They're generally accepted as agricultural.
2 It does not meet the definition of non-
3 agricultural, and it's readily available in
4 organic form.

5 However, because peppermint extract
6 meets the broad FDA definition of natural
7 flavor, and flavors are listed under 205.605
8 as non-agricultural, the peppermint extract is
9 regarded as non-agricultural, and the non-
10 organic form is consequently allowed in
11 organic products.

12 The manufacturer of the organic
13 product is neither required to source or use
14 organic peppermint extract.

15 So while one company is required to
16 spend considerable money and resources to
17 secure a consistent supply of organic guar gum
18 (ph) or organic mustard brand, another organic
19 product manufacturer may use non-organic
20 peppermint oil as a flavor, regardless of its
21 organic availability. This does not support
22 the production of organic ingredients.

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1 I wanted to mention or comment, you
2 mentioned earlier, Joe, that efforts are being
3 made to encourage manufacturers to use organic
4 flavors. I honestly don't know how we can do
5 that.

6 A clarification came from the NOP on
7 the form of a letter from Richard Matthews to
8 Richard Segal, when Grace Merriquen (ph) was
9 requesting that manufacturer be required to
10 use organic yeast.

11 That letter clearly stated that if
12 manufacturers were going to be required to use
13 organic yeast, it would need to be
14 reclassified as agricultural. I'm sifting and
15 sorting through formulations every day, and
16 I'm seeing rosemary oil and peppermint
17 extracts.

18 I would like to do a case-by-case
19 determination and say "Well, the heading here
20 is non-agricultural. This here is an
21 agricultural flavor." But if the operator
22 comes to me and submits it as natural flavor,

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1 and points to 605, legally I feel like my
2 hands are tied.

3 So what I'd like to recommend is
4 that once again, we support the transition to
5 a listing of non-agricultural flavors. A
6 thorough investigation into flavor composition
7 and manufacturing practices should inform the
8 determination and long-term retention of
9 solely non-agricultural, non-synthetic
10 flavors.

11 Organic status should be required
12 for agricultural flavors unless petitioned
13 under 205.606, and during the interim that a
14 broad category of flavors remains on 605.

15 Guidance distinguishing agricultural
16 flavor from non-agricultural flavors should be
17 operative to aid and evaluation of 205.606
18 flavor petitions, and create consistent
19 verification among accredited certifiers.

20 I spend a lot of time calling up
21 certifiers and asking them how they're dealing
22 with flavors, and it's across the board. So

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1 thank you very much for this opportunity.

2 CHAIRMAN O'RELL: Gwendolyn, yes.
3 So really, I guess what you're saying is that
4 there's a need for flavors to be in both
5 locations?

6 MS. WYARD: I think so, absolutely,
7 absolutely, and I think that the heading --

8 CHAIRMAN O'RELL: And I think there
9 are people on this board that agree with that.
10 So that would help us if somebody filed a
11 petition for 606 for flavors.

12 MS. WYARD: Joe?

13 MEMBER SMILLIE: Yes. Two things.
14 Number one, we didn't get your paper. So if
15 you could just make sure whatever, resubmit it
16 or whatever we have to do, Because I would
17 like to have it.

18 I absolutely agree with you. We're
19 in a legal bind. I think a position that
20 certifiers take is to still, in spite of that
21 legal definition, to still push for organic
22 flavors. I think manufacturers also, even

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1 though not legally required to move towards
2 more and more organic flavors, do so also for
3 marketing reasons.

4 If they can find something
5 acceptable, I think it aids their process. So
6 you're absolutely right. We have no legal
7 authority to make them comply with commercial
8 availability Because of that issue.

9 But nonetheless, I think we have
10 moral suasion and I know that there's also
11 some -- there are some marketing benefits to
12 moving towards flavors. But I absolutely
13 agree with every word you said. It was
14 accurate and that's the way we have to move.

15 MS. WYARD: Okay, thank you.

16 CHAIRMAN O'RELL: Thank you,
17 Gwendolyn. Tina -- pardon me?

18 MEMBER OSTIGUY: Make sure you send
19 us your document so it gets into the meeting
20 book. But I'm sure we have it just for the
21 record.

22 CHAIRMAN O'RELL: Okay. Tina Ellor,

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1 and I'm going to make an announcement that
2 this will be the last speaker we have, and the
3 board is going to break, because I'm going to
4 have mutiny here if I don't let everybody get
5 out and get something to eat.

6 So we're going to take, and I don't
7 know what, 30 minutes, 40 minutes. They're
8 reserving a spot for us at the salad bar in
9 the restaurant.

10 So I'm assuming 40 minutes or so,
11 and then we're going to come back and then
12 pick up with public comment, and that will be
13 with Leslie Zuck. So thank you.

14 MEMBER OSTIGUY: Then you're going
15 to break again for a working discussion?
16 After you hear the public comment, then you'll
17 stop again for your working --

18 CHAIRMAN O'RELL: I think we need to
19 talk when we're having lunch for the
20 committees, what they may need, if there's
21 still additional public comment that comes
22 afterwards where we need to do it. So we'll

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1 kind of make that determination. Yes Eric?

2 MR. SIDEMAN: Those of us who are
3 going to come up for comment, because of your
4 break can we send in written comments?

5 CHAIRMAN O'RELL: Well, I'm not
6 cutting anybody off.

7 MR. SIDEMAN: Because I have to
8 leave to make a plane by 3:00.

9 MS. ELLOR: You want to take my
10 spot?

11 CHAIRMAN O'RELL: That's perfectly
12 acceptable if --

13 MR. SIDEMAN: Can I do it barefoot?

14 CHAIRMAN O'RELL: Oh yeah.

15 MEMBER OSTIGUY: It's organic.

16 (Laughter.)

17 MEMBER OSTIGUY: Barefoot is
18 preferred.

19 CHAIRMAN O'RELL: Tina, thank you.
20 You'll be first up then when we come back.

21 MEMBER OSTIGUY: That was very nice.

22 CHAIRMAN O'RELL: Thank you, Tina.

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1 MR. SIDEMAN: My name's Eric
2 Sideman, Maine Organic Farmers and Gardeners
3 Association. I just want to make a quick
4 comment about seaweed extracts.

5 There have been a number of comments
6 about these, and one thing that has not been
7 considered and I think should be and put into
8 the records, is that phosphoric acid has never
9 been reviewed, petitioned or approved by the
10 NOSB for use in this material.

11 There are a number of companies
12 across the country that are using it. Most
13 companies are not using it, and I think that
14 needs to be addressed. Not during the sunset
15 review, but soon.

16 CHAIRMAN O'RELL: Was it allowed in
17 the fish?

18 MR. SIDEMAN: Yes. That's the only
19 -- and that has something to do with the way
20 that NOP is reorganizing the list. If they
21 reorganize the list so extractants and
22 stabilizers are listed individually, then

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1 phosphoric acid can be listed.

2 But again, it can't be listed with
3 annotation allowing it for seaweed, because
4 it's never been approved for that use. It's a
5 stabilizer. It lowers the pH so the
6 containers don't explode from microbial
7 activity. Questions?

8 CHAIRMAN O'RELL: That was it?
9 Thank you, Eric.

10 MR. SIDEMAN: That's it. Thanks.

11 CHAIRMAN O'RELL: Thank you.

12 MEMBER DAVIS: Eric, is your
13 organization, would they be able to provide a
14 petition to get that on our plate?

15 MR. SIDEMAN: I'm a little reluctant
16 that our organization provide petitions,
17 because of conflict of interest. Even though
18 we've separated out our technical services
19 from our certification agency, I'd just really
20 rather stay away.

21 But I may be able to get some other
22 people to file petitions. In addition to

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1 that, we'll be working with somebody to file a
2 petition for potassium carbonate.

3 As the gentleman from Acadian Sea
4 Plant pointed out, a lot of the major
5 companies across this country are using
6 potassium carbonate, and that too is not on
7 the list.

8 Again, the person who pointed out
9 the inconsistency of certifiers across the
10 country, this is an area where some certifiers
11 are allowing the seaweed extracts made with
12 potassium carbonate, and others are not, and
13 this is not fair to the companies who are
14 using it, two of which are in Maine, and we
15 don't allow it for use in Maine.

16 So it's a little bit of hostility at
17 our ag shows.

18 CHAIRMAN O'RELL: Kevin?

19 MEMBER ENGELBERT: Very quickly.
20 Eric, why are all those companies being
21 allowed to use phosphoric acid if it's not --

22 MR. SIDEMAN: It's an interpretation

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1 -- actually, it's a tiny bit complicated. If
2 you take calcium carbonate and put it in
3 water, you actually will get some potassium
4 hydroxide.

5 So I think that's what some
6 certifiers are thinking, that you're making
7 potassium hydroxide. So potassium hydroxide's
8 on the list, so it's okay. But that's not the
9 way the list was meant to work. Potassium
10 carbonate is a different synthetic material.
11 If it's to be used in organic production, it
12 should be listed.

13 MEMBER ENGELBERT: Do you know what
14 that means? Okay.

15 CHAIRMAN O'RELL: Arthur?

16 MR. NEAL: This issue goes back to
17 just how the list was constructed and
18 interpreted. As we mentioned yesterday, we're
19 going to undertake rulemaking to reorganize
20 the national list.

21 We do have a petition for the use of
22 phosphoric acid as a pH adjuster in aquatic

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1 plant extracts. Depending on how this whole
2 rulemaking process works out, that petition
3 may just reenter, be resurrected and come
4 before the board for the petition, for the use
5 in which it was petitioned.

6 That way, that whole annotation
7 issue would be addressed, and hopefully the
8 whole potassium carbonate issue can get worked
9 on at the same time.

10 MR. SIDEMAN: Yes. I think that's
11 essentially all I'm asking, is that petitions
12 for potassium carbonate and phosphoric acid
13 for the use in plant extracts be moved
14 forward.

15 CHAIRMAN O'RELL: Thank you, Eric.

16 MR. SIDEMAN: Thanks.

17 CHAIRMAN O'RELL: Okay. We're going
18 to take a break and we're going to try for --
19 to be back here at 2:30.

20 (Whereupon, at 1:50 p.m., a luncheon
21 recess was taken.)

22 CHAIRMAN O'RELL: Tina, you will be

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1 in the public record, and I'm sure people will
2 be coming in while you speak, if you don't
3 mind.

4 MS. ELLOR: It's okay. I'll be
5 very, very brief. I'm not even going to read
6 my comment. My name is Tina Ellor.

7 I'm from Phillips Mushroom Farms,
8 and also with the Organic Working Committee of
9 the American Mushroom Institute, and there's a
10 couple of issues I'd like to bring up very
11 quickly.

12 Number one, yeast as livestock. I'm
13 not real comfortable with that, because there
14 are five kingdoms. We classify all of life
15 into five kingdoms. Plant and animal are just
16 two. There are three more. I'd be more
17 comfortable with an additional category of
18 "Other" or something like that.

19 Those classifications, of course,
20 are based on a lot of different things, and
21 that information's very useful. But I'd like
22 to just mention that if you start putting, you

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1 know, different organisms into different
2 kingdoms than where they belong, than what's
3 to say now mushrooms aren't livestock, and
4 will have trouble with pasture access.

5 But also we've finally gotten
6 comfortable certifying under the crop
7 standard. Now we had a mushroom standard very
8 far into progress, and the NOP decided not to
9 go forward with it.

10 If you guys decide to go with a
11 mushroom standard, I still have all the work
12 we did on that originally. So if that comes
13 up on your docket, I'll dig those files out
14 and maybe save us all a lot of time.

15 The second issue is hydrated lime,
16 and that came up on a number of different
17 things. But we use hydrated lime as pest
18 control in mushroom cultivation, and it's very
19 critical to control green mold, *trichoderma*
20 *harzianum*, of which has caused massive losses
21 in the mushroom industry.

22 I won't bore you with the nuts and

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1 bolts, but if it comes up later and you want
2 to know how we use it and why, I'll be here.

3 The third thing is just a brief word
4 for those mushroom growers who use cheesewax
5 on their Shiitake logs. You couldn't ask for
6 -- and I understand the issue, but you
7 couldn't ask for better people making a better
8 product.

9 If you line up all the Shiitakes
10 grown in the world, you know, those would be
11 the best. Shiitake comes in massive
12 quantities from Asia. Often it goes through
13 Japan. The lentinen is extracted to use for
14 cancer therapy. The mushrooms are dried and
15 sold here.

16 Now those people are competing
17 against that kind of product and just massive
18 amounts of imports coming in. What they have
19 is a product that's grown outside in the sun,
20 which is different from what we do. We grow
21 everything inside under lights.

22 Their product is actually more

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1 nutritious and better quality, and that
2 organic certification means a lot to them. So
3 if there's some way, you know, that we could
4 work with this, I think it would be greatly
5 appreciated.

6 The last thing I'd like to say is
7 I'm sure a lot of us got that little card in
8 the mail that said there are openings on the
9 NOSB and did not respond, as I didn't, because
10 of the huge commitment you guys make. I just
11 want to tell you how much I appreciate that.

12 CHAIRMAN O'RELL: Thank you.
13 Questions?

14 MEMBER ENGELBERT: Could you very
15 quickly go through how you use hydrated lime,
16 just real --

17 MS. ELLOR: Sure. Hydrated lime is
18 used to adjust the ph of the casing material,
19 because the weed mold, *trichoderma harzianum*,
20 green mold likes very acidic conditions, as
21 most fungi do.

22 We need to raise the pH quickly, and

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1 to a pretty high point, to have the Agericus,
2 the Portobellas white mushrooms, compete
3 against that green mold. Conventional growers
4 use fungicide in the compost, in the casing,
5 and to coat the spawn.

6 Of course, you know, we don't have
7 that option and we wouldn't use it even if we
8 did.

9 MEMBER ENGELBERT: And why hydrated
10 lime and not conventional ground limestone?

11 MS. ELLOR: Because you have to use
12 so much conventional ground limestone to raise
13 the pH that it changes the structure of the
14 casing soil, and it doesn't function nearly as
15 well. That's what we've used up until like
16 1954, just a whole lot of crushed limestone.

17 But these new virulent strains of
18 trichoderma came in in the early 80's and just
19 completely wiped out huge amounts of crops.
20 So I just wanted to mention that.

21 MEMBER ENGELBERT: Thank you.

22 CHAIRMAN O'RELL: Thank you. Leslie

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1 Zuck. Okay, Emily, that's fine. Emily Brown-
2 Rosen.

3 MS. BROWN-ROSEN: Hi. I'll try to
4 make this really quick. I just wanted to -- I
5 know this is not directly on agenda, but this
6 issue on the replacement stock. I just you
7 wanted to know -- I think this is in your
8 packet.

9 A number of certifiers sent a letter
10 a couple of weeks ago to the NOP. We've got
11 Pennsylvania Certified Organic, Vermont
12 Organic Farmers, Midwest Organic Services,
13 NOFA New York, MOFCA, Steller, which is
14 Demeter (ph), and Oregon Tilth, plus several
15 NOBTA, MODPA, a couple of other farm groups,
16 really asking NOP to look carefully at this
17 upcoming opportunity when they have to rewrite
18 the regs.

19 I mean, the certifiers have been
20 concerned because we had no warning or
21 guidance or proposed rule or what's going to
22 happen, and our understanding is the rule needs

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1 to be changed by June 9th Because of the court
2 case.

3 So at that point, animals can -- any
4 12-month old transition animal being brought
5 onto any organic farm, or do we have a two-
6 track system like we currently unfortunately
7 do, or can we fix this once and for all?

8 So hopefully there will be an
9 opportunity to comment soon when the NOP does
10 post whatever they're going to do, and I hope
11 you keep it on your work plan to respond
12 promptly and hopefully support your previous
13 positions on this, because this is a real
14 opportunity to fix a problem that's been
15 dragging on for a long time, and we need to do
16 it now and not perpetuate this two-track
17 thing.

18 So take a look at the letter if you
19 need. We've given specific suggestions on how
20 we thought the wording should look. I think
21 it's not hard to fix. So thank you.

22 CHAIRMAN O'RELL: Thank you, Emily.

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1 There's a question from Hugh.

2 MEMBER KARREMAN: Well, I was just
3 kind of wondering could the NOP give us any
4 inkling right now what's going to happen? I
5 mean we're in April right now, and it's going
6 to be June 9th comes around, we're not going to
7 have to another major decisionmaking time.

8 Do you -- I mean, you know, it's
9 less than two months away when this all
10 changes. Could you give us an idea of what we
11 should expect?

12 MR. BRADLEY: Mark Bradley with the
13 NOP. We can't comment on that right now, but
14 you'll know very soon.

15 MEMBER KARREMAN: Okay. Before June
16 9th?

17 MR. BRADLEY: Yes.

18 MS. BROWN-ROSEN: Okay, thank you.

19 MEMBER KARREMAN: All right.

20 CHAIRMAN O'RELL: Yeah. I think
21 Hugh it needs then to be, you know, it's a
22 work plan item on the Livestock Committee.

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1 Yes, that as soon as that new ruling comes
2 out, then be prepared for any comments or
3 whatever we need to do.

4 MEMBER KARREMAN: Absolutely.

5 CHAIRMAN O'RELL: Yes. Did Leslie
6 come back? Leslie? You're up. You pass?
7 Well thank you. That doesn't mean we don't
8 love to hear from you. Okay. Tom Hutchinson,
9 and next on deck, Diane Goodman.

10 MR. HUTCHINSON: Tom Hutchinson,
11 Organic Trade Association. Thanks very much.
12 On commercial availability, thank you very
13 much for clarifying your discussion on the
14 role of NOSB's reviewing, rather than
15 evaluating information about commercial
16 availability.

17 This should lead to new insights
18 about how commercial availability is being
19 used, and we look forward to getting those
20 petitions moving.

21 OTA supports strict criteria for
22 certifiers to determine commercial

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1 availability plus training, and of course NOP
2 attention to the issue as necessary.

3 We all support Kim Dietz's comments,
4 especially returning to the previous NOSB
5 recommendation, recommending three attempts to
6 find -- a minimum of three attempts to find a
7 product.

8 Please also review ag versus non-ag
9 status, and see our written comments for yet
10 another reason to include yeast and
11 microorganisms as agricultural product. Even
12 if yeast is not livestock, it is non-plant
13 life. So there is precedent in the rule for
14 some consideration.

15 On the framework for clarifying the
16 definition of synthetic, OTA supports the
17 framework and has suggested two tweaks,
18 including having fungi and microorganisms in
19 the definition of "natural source."

20 As always, please look at our
21 written comments, and you can see what OTA's
22 comment really are, as opposed to uninformed

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1 rumors. On our website, when we get them up
2 probably in about a week, ota.com, under
3 "Public Policy," available to the public for
4 inspection. Thanks.

5 CHAIRMAN O'RELL: Thank you, Tom.

6 MS. GOODMAN: Hi again. Just as a
7 clarification on a comment that I made
8 yesterday, I'd like to offer the clarification
9 to the comment I made, and that while my
10 comment yesterday reflected the comment of
11 Florida Crystals, today I would like my
12 comment to be reflected in their comment.

13 My separate -- my previous comment
14 referred to -- you understand what I meant,
15 right? I said it wrong. My comment yesterday
16 --

17 CHAIRMAN O'RELL: When you come up,
18 you're a different person. So I'm sorry.

19 MEMBER KARREMAN: You are you today.

20 CHAIRMAN O'RELL: Oh, he's confused.

21 MS. GOODMAN: I'm Diane Goodman, and
22 yesterday I read a comment from Steve Clark

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1 from Florida Crystals, and I made a comment as
2 well.

3 In both of those comments and in the
4 comment you received and I handed you from
5 Florida Crystals, the comment I made to you
6 personally yesterday reflected the comment
7 that was submitted by Florida Crystals and
8 Steve Clark.

9 So in this comment, I would like you
10 to take these words now and reflect them back
11 on those comments, because I'm not commenting
12 on behalf of Steve Clark or Florida Crystals.

13 CHAIRMAN O'RELL: And you do not
14 have a proxy?

15 MS. GOODMAN: And I don't have a
16 proxy, not even for me. So you understand
17 now?

18 CHAIRMAN O'RELL: Yes.

19 MS. GOODMAN: All right. My
20 previous comment referred to a disagreement
21 that we held, with the suggestion that in the
22 clarification documents for the definition of

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1 synthetic that a substance be defined as a
2 compound or element that had a distinct
3 identity, such as a separate CAS number.

4 In the context of defining a
5 synthetic as a substance that is created by
6 chemical change, that produces a separate and
7 entirely new substance, that all synthetics
8 may be distinct compounds or elements, we'd
9 like to keep in mind that while all substances
10 are --

11 While all synthetics may be distinct
12 compounds or elements, all compounds or
13 elements may not be synthetic, simply Because
14 they are created by chemical change. Do you
15 all understand what I'm trying to say?

16 MEMBER OSTIGUY: Uh-huh.

17 MS. GOODMAN: And Kevin, I wonder if
18 you -- and thank you for that. My apologies
19 for the convoluted and confused nature of
20 that.

21 Can you clarify something you said
22 right before we broke, and that was you said

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1 you urged people to get a petition in for
2 colors or flavors, I think you said, a
3 petition in for flavors.

4 I think you might have meant to get
5 petitions in for flavors.

6 MEMBER ENGELBERT: Yes.

7 MS. GOODMAN: Correct?

8 MEMBER ENGELBERT: Yes.

9 MS. GOODMAN: Okay, great. Thank
10 you very much. Any questions about what I
11 said? Okay, thank you.

12 CHAIRMAN O'RELL: Thank you, Diane.
13 Miles McEvoy? On deck --

14 MEMBER OSTIGUY: Scheide.

15 CHAIRMAN O'RELL: I don't know.

16 MR. McEVOY: Hello. I'm Miles
17 McEvoy with the Washington State Department of
18 Agriculture. Thanks for sticking in there and
19 listening to all the comments.

20 I have some prepared comments that I
21 gave to Valerie, that you'll get a copy of,
22 and okay. So let's get through -- I'm going

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1 to talk about some tree fruit here.

2 The Washington State Department of
3 Agriculture certified over 550 organic crop
4 producers last year, and nearly half of these
5 producers are growing organic tree fruit,
6 mostly apples and pears, cherries, a lot of
7 peaches, nectarines and apricots as well.

8 Washington State produces 58 percent
9 of the U.S. apple crop, and over 50 percent of
10 the U.S. pear crop. In 2003, organic tree
11 fruit comprised 4.7 percent of the state's
12 apple acreage, and over six percent of the
13 pear acreage.

14 So it's a very significant part of
15 the state's organic production, and the tree
16 fruit industry in the state is very excited
17 about organic growing. Because of the strong
18 market, there are thousands of acres of tree
19 fruit that are in transition to organic
20 production.

21 The environment benefits of organic
22 food production are widely recognized. An

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1 additional benefit of organic production is
2 that organic farms are laboratories of new
3 pest control techniques.

4 Pest control methods such as mating
5 disruption were pioneered on organic farms,
6 and are now the standard for pest management
7 of codling moth (ph) in conventional tree
8 fruit operations as well.

9 The tree fruit industry, the
10 conventional tree fruit industry has
11 significantly reduced the amount of organic
12 phosphates, carbonomates (ph) and organic
13 chlorine pesticides due to the pest control
14 advances pioneered by organic growers.

15 I'm going to specifically talk about
16 streptomycin and tetracycline. Fire blight is
17 a common and very destructive bacterial
18 disease of apples and pears. The disease is
19 so named because infected leaves will suddenly
20 turn brown, appearing as though they have been
21 scorched by fire.

22 Pears are very susceptible to fire

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1 blight as well as certain apple varieties such
2 as Braeburn, Pink Lady, Fuji and Gala. Older
3 varieties such as Red Delicious are fairly
4 resistant.

5 So if fire blight is not controlled,
6 it can lead to the death of a tree, with
7 significant financial loss due to loss of
8 production and need to replace the tree.

9 Cultural practices can reduce fire
10 blight pressures. Biologicals such as Blight
11 Ban can help reduce fire blight occurrence,
12 but do not completely eliminate the danger.
13 New biologicals are being developed and look
14 promising and may be commercial available
15 within the next few years.

16 Streptomycin and tetracycline are
17 needed to protect organic tree fruit orchards
18 during severe fire blight outbreaks,
19 especially when there's a lot of moisture.
20 This year is going to be one of those times.
21 We're having a very wet winter.

22 Over the next few years, viable

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1 alternatives should be available that could
2 eliminate the continued need of these
3 materials in both organic and conventional
4 tree fruit production.

5 Moving on floating agents, pear
6 floats that are used in post-harvest handling.

7 Pears are heavy and they need a floating
8 agent in order to raise the specific gravity
9 to enable the pears to float. Lignin
10 sulfonate was the preferred floating agent in
11 the mid-90's.

12 Dr. Eugene Kupferman (ph) conducted
13 a survey of packing sheds in 1997, and found
14 that sheds were using 68 percent lignin
15 sulfonate, 16 percent sodium silicate, and 16
16 percent sodium sulfate.

17 In 2005, Organic packing sheds,
18 which is about ten years, were using two-
19 thirds of organic packing sheds were using
20 sodium silicate, and that's due to increased
21 restrictions on the use of lignin sulfonate by
22 waste treatment plants.

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1 The waste treatment plants don't
2 like the lignin sulfonate because it blocks
3 sunlight and decreases the efficacy of the
4 waste water treatment practices.

5 An alternative to pear floats are
6 packing lines that use floatless dumpers.
7 Floatless dumpers are the standard in Europe,
8 but they're just recently starting to be
9 adopted in the U.S.

10 But there's a large capital
11 investment. The larger packing sheds can
12 certainly afford that and they're moving in
13 that direction. But there's a lot of smaller
14 organic packing sheds that are going to find
15 it difficult to have the capital to rebuild
16 their packing lines.

17 So WSDA supports the continued
18 allowance of lignin sulfonate and sodium
19 silicate for floating tree fruit, and also the
20 tetracycline and the streptomycin.

21 We also support the continued
22 allowance of sodium hypochloride, chlorine

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1 dioxide, horticultural oils for insect and
2 disease control, hydrated lime, hydrogen
3 peroxide for disinfectant and disease control,
4 streptomycin, tetracycline, humic acids,
5 lignin sulfonate and also for livestock the
6 continued listing of hydrated lime.

7 We also support the NOP to enforce
8 the pasture standard. I don't like the 30
9 percent DMI 120-day requirement. I think
10 there's other ways to get the to enforce the
11 access to pasture, that a pasture-based
12 management for livestock. So thank you.

13 CHAIRMAN O'RELL: Andrea?

14 MEMBER CAROE: Miles, how would it
15 affect your growers in Washington if sodium
16 silicate was retained, but lignin sulfonate
17 was not?

18 MR. McEVOY: They'd probably all
19 switch to sodium silicate.

20 MEMBER CAROE: But there's no reason
21 why they wouldn't be able --

22 MR. McEVOY: They prefer the lignin

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1 sulfonate, from what I understand. But
2 because of the waste treatment plants that
3 don't like it, so they've been shifting over
4 to sodium silicate.

5 MEMBER CAROE: So environmentally,
6 there would be a preference if they switched
7 over? I mean you're saying there's a water
8 quality issue with lignin sulfonate?

9 MR. McEVOY: It's not -- apparently
10 the waste, as I understand it, the waste
11 treatment plants, it's not a water quality
12 thing, but it affects the biological activity
13 in the waste treatment plans, because it
14 blocks the sunlight.

15 So in those packing sheds that
16 release their water to a municipality, to a
17 municipal waste treatment plant, they're
18 required not to use lignin sulfonate. So they
19 have to use alternatives like sodium silicate.

20 MEMBER ENGELBERT: What is the end
21 result then of, in those treatment plants, of
22 using that?

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1 MR. McEVOY: What's the end result
2 of sodium silicate?

3 MEMBER ENGELBERT: No, the one
4 that's blocking out --

5 MR. McEVOY: The lignin sulfonate?

6 MEMBER ENGELBERT: Yes.

7 MR. McEVOY: Well, they used to
8 accept lignin sulfonate, as I understand it.
9 But it decreased the biological activity. So
10 now they're restricting the -- what happened
11 to the lignin sulfonate? I don't --

12 MEMBER ENGELBERT: The decrease in
13 biological activity resulted in?

14 MR. McEVOY: Less efficient process
15 in their water treatment, Because it would
16 block the sunlight to increase the biological
17 activity that they wanted, in terms of
18 treating the water.

19 MEMBER OSTIGUY: Basically what
20 happens is in the secondary treatment, the use
21 microorganisms to extract the nutrients out of
22 the water.

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1 If you have sunlight being blocked,
2 then that extraction of the nutrients out of
3 the water is not occurring. So you end up
4 with more nutrients in your effluent that's
5 eventually dumped into your stream, which
6 obviously is -- produces algae and grasses.

7 MEMBER ENGELBERT: That's what I
8 wanted to make sure of.

9 MEMBER SMILLIE: Could you give us
10 some sort of -- your projection, your best
11 guesstimate of how many years you think that
12 we need to rely on streptomycin and
13 tetracycline? What's it look like? Do people
14 realize there's pressure on those?

15 MR. McEVOY: Yes. It's both the
16 conventional and organic growers that are
17 trying to find alternatives, because for
18 export markets, there's some restrictions on
19 the use of Microshield in particular.

20 So growers only use it when they
21 have to use it, and that's when they're going
22 to lose their orchard. There's a lot of

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1 things you can do. Even if you have a little
2 bit of fire blight, you can go in with
3 cultural practices and cut it out.

4 You can use Blight Ban, which is a
5 competitive inhibitor, and apparently there's
6 a new competitive inhibitor that goes into the
7 infection sites of the -- where the fire
8 blight organism attacks the blossom in the
9 tree, and that one's supposed to be very
10 effective. There were some very good results
11 last year. How many years --

12 I think there's going to be a
13 commercial product available next year.

14 MEMBER SMILLIE: Will it be
15 acceptable for use in organic?

16 MR. McEVOY: It should be, yes.
17 They're formulating it so it's supposedly --
18 it hasn't been registered with Armory or WSDA,
19 but apparently that's what they're aiming for.

20 It's a biological, and they would want to get
21 it registered for use in organics.

22 MEMBER SMILLIE: Do you think it

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1 would be fair to organic growers to say in
2 five years there will be a phase-out of the
3 use of streptomycin? I realize it depends on
4 the results of these tests, but if --

5 MR. McEVOY: Right. The initial
6 research trials look good. On a broad scale,
7 to see how it works, we'll see over the next
8 few years on how effective it is.

9 There's a lot of pressure to find an
10 alternative, not just from the organic
11 community but also from other buyers, yes.

12 CHAIRMAN O'RELL: Hugh?

13 MEMBER KARREMAN: Joe got my
14 question. Thanks.

15 CHAIRMAN O'RELL: Bea?

16 MEMBER JAMES: So what I hear you
17 saying is both the conventional and the
18 organic farmers are using streptomycin and
19 tetracycline?

20 MR. McEVOY: Yeah. I think it's the
21 oxytetracycline that they use primarily.
22 Microshield is the material.

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1 MEMBER JAMES: Okay. Did you submit
2 your comments in writing?

3 MR. McEVOY: Yeah.

4 MEMBER DAVIS: So the material that
5 you reference that's being tested, I gather
6 that it would be at the university level of
7 research at this point. So we can't say that
8 it's on the market now?

9 MR. McEVOY: No. It's not on the
10 market now. It hasn't been EPA-registered.
11 They're working on the registration, as I
12 understand it, and they're hoping to have a
13 commercially available product for
14 distribution next year.

15 There's actually a few products that
16 are being worked on. The one that everybody's
17 talking about, of being the most efficacious,
18 is Blossom something, Blossom Ban, something
19 like that.

20 MEMBER JAMES: So both the
21 commercial and the organic farms would use
22 this alternative? I'm sorry.

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1 MEMBER DAVIS: Conventional.

2 MEMBER JAMES: At retail, we say.

3 MR. McEVOY: Yes. The conventional
4 farms also do not want to use Microshield or
5 the tetracycline or the streptomycin. They
6 would prefer not to.

7 They would prefer to use a
8 biological, because the whole tree fruit
9 industry in the Northwest is moving to an
10 integrated approach, using biologicals as much
11 as possible, so that you don't disrupt the
12 system.

13 The streptomycin and the
14 tetracycline are going to disrupt the system,
15 moreso than a biological, which is a
16 competitive inhibitor at the -- in the
17 orchard.

18 MEMBER JAMES: However, there's no
19 way to -- or, I should ask. Would there be a
20 way, if these antibiotics were prohibited in
21 organic production, and an alternative came
22 about, would there be a way to enforce that

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1 with the commercial or conventional apple
2 farms or no?

3 MR. McEVOY: No, no. If it's a
4 registered pesticide, then they can use it as
5 per label directions, and it's their choice.
6 But they're going to usually make the choice
7 that's best for their operation.

8 CHAIRMAN O'RELL: Rigo.

9 MEMBER DELGADO: Yes. The testing
10 of these new materials, you said it's still at
11 the research level. Have they done any
12 commercial level testing? In other words, I'm
13 trying to get a feel of what the risk is of
14 not coming with a new product in the next two
15 or three years?

16 MR. McEVOY: I think there's a lot
17 of risk. There's a lot of people that are
18 very excited about the research trials.

19 I don't know the details of those
20 research trials, but they were on a more of --
21 they were research trials on a commercial
22 basis, on experimental use permits.

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1 They're not -- they're beyond the
2 university level. They're beyond the lab
3 level or the university research plots. They
4 have been tested on a few commercial orchards.
5 Not organic orchards, but commercial
6 orchards.

7 CHAIRMAN O'RELL: Hugh?

8 MEMBER KARREMAN: I have a hard time
9 wrapping my arms around using the antibiotics
10 in the crops, because of the prohibitions in
11 other places in the program.

12 MR. McEVOY: Right.

13 MEMBER KARREMAN: I'm just wondering
14 do you know the research, how it's going
15 yourself, or you just know it's happening?

16 MR. McEVOY: I know it's happening.
17 I'm not intimately familiar with it, no.

18 MEMBER KARREMAN: Well, one of the
19 things I always think about when I'm studying
20 natural treatments for dairy cows and what-
21 not, like the parasites, you know, you have to
22 kind of hit them in various stages of the life

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1 cycle, you know.

2 It's not just like input
3 substitution, because if you start getting
4 more foundation pillar effect, a multi-prong
5 approach to the problem, what a professor
6 might want to see is a total 100 percent
7 equivalent compared to the streptomycin or
8 tetracycline that's out there, whereas maybe
9 in a product that doesn't need to be 100
10 percent equivalency but maybe 75 percent or
11 something like that, it still might work with
12 other biological management in place. Do you
13 understand what I'm saying?

14 Because someone might say in a paper
15 "This new research product we're working on is
16 just not as good. Sorry, we need the
17 streptomycin and tetracycline still."

18 MR. McEVOY: Yes.

19 MEMBER KARREMAN: But hopefully
20 they're taking into account other management
21 factors with that biological. So it's not
22 just plain input substitution.

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1 MR. McEVOY: Yes, and I think the
2 organic growers are doing that at the current
3 time. A lot of them choose not to use
4 Microshield. For instance, if you use the
5 antibiotic, the tetracycline, you lose your
6 access to the European market because it's not
7 allowed under European standards.

8 So the organic growers have a lot of
9 pressure to not use the material, and for
10 conventional growers, it's the same. It's an
11 expensive material. If you can use -- there's
12 already a biological on the market.

13 If you use cultural practices, which
14 are both cleaning out any of the fire blight
15 that occurs in the orchard, and also having an
16 open orchard, appropriate pruning to keep the
17 air flow, you can use wind machines to help
18 with the air flow.

19 You can do a lot of things to try to
20 minimize the amount of fire blight that you
21 have. But if it gets to be that you're having
22 a lot of flagging, a lot of occurrence, and

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1 you're going to choose between losing your
2 orchard or treating, then the grower, organic
3 grower or conventional grower is going to go
4 in there and use the Microshield.

5 MEMBER DAVIS: Well, you referenced
6 the organic growers that are trying to pursue
7 the European market, where the antibiotics are
8 not allowed on fruit.

9 MR. McEVOY: Right.

10 MEMBER DAVIS: How long of a history
11 are you familiar with, with how they're doing
12 in their control measures on blight, using --
13 totally not using the antibiotics? Have they
14 been doing this very long or is this new?

15 MR. McEVOY: It's going to depend on
16 your location, because there's areas of our
17 state that are wetter than others, and so
18 those wetter areas are going to have higher
19 fire blight pressure.

20 It's going to depend on your
21 isolation from other orchards. But they're
22 certainly orchards that have never used

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1 tetracycline to protect them from fire blight.

2 So it's -- and there's others that use it
3 occasionally.

4 I don't know, you know, we'd have to
5 do some background checks, but I doubt
6 there's organic orchards that use it year
7 after year after year. It's only when the
8 fire blight pressure is extreme, and you have
9 the choice between losing your orchard or
10 losing a bunch of trees and saving your crop.

11 MEMBER DAVIS: So are you familiar
12 with growers who have been participating in a
13 program that allows them to market to the EU
14 with their fruit, and not using it for long
15 periods of time?

16 MR. McEVOY: Right, and then I'm
17 also familiar with growers that have been in
18 the EU program for many years, and last year
19 was also a heavy fire blight pressure year,
20 and they had to take some of the blocks out of
21 the program because of fire blight pressure.

22 MEMBER DAVIS: Thank you.

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1 CHAIRMAN O'RELL: Thank you.

2 MR. McEVOY: Okay, thanks.

3 CHAIRMAN O'RELL: Steffen Scheide.
4 I'm sure I got that wrong, and Dave Carter's
5 on deck.

6 MR. SCHEIDE: Hi. Good afternoon.
7 Thank you for this opportunity to speaking
8 before you this afternoon. I'm Steffen
9 Scheide. I'm affiliated with Summit Hill
10 Flavors, an organic certified manufacturer of
11 flavoring.

12 This afternoon, I'd like to speak
13 out for colors, and I urge this board to
14 retain colors exactly the way they are under
15 205.605(a). The reason is the
16 interrelationship between FDA and USDA rules
17 and regulations.

18 Colors are regulated by the FDA.
19 The reason for colors being regulated and
20 defined by the FDA is because of their
21 functionality in food; in other words, any
22 material whose significant function in food

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1 ingredient is color in that food is a color.

2 Now I'm a product developer, and
3 when I take non-organic-certified colors in my
4 practice development, organic caramel color
5 has become available recently. If it had not
6 been for 605(a), that product would not have
7 ever been in the marketplace.

8 Organic tumeric is a colorant. It
9 is a 100 percent organic color. But here is
10 my dilemma. With the exception of meat and
11 egg products, the vast majority of food
12 products in the marketplace are FDA-regulated.

13 Henceforth, I am using a colorant,
14 because I use tumeric as a color. However,
15 if there is no congruency between the NOP and
16 FDA rules and regulations, because the NOP is
17 a positive list for me; if it is not expressly
18 on that list, the FDA tells me tumeric is a
19 color. The NOP tells me I cannot use
20 colorants. Henceforth, I cannot use tumeric
21 in organic products.

22 That is really why it should remain

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1 under 205.605(a). Now I know it may sound
2 complex, but I'd like to give you an example
3 of where FDA and what we do in agriculture is
4 a little bit different.

5 Let us take a look at coffee.
6 Coffee is an agricultural product, but it is
7 not a food because green coffee is not fit and
8 suitable for human consumption.

9 It is a process of physical change
10 through roasting which changes a green coffee
11 bean into a raw material, which I then grind
12 and I actually extract it.

13 Those of us who have had coffee this
14 morning have had a food ingredient or a
15 beverage. However, if you spill that coffee
16 on your shirt and you eat your shirt, you're
17 eating a food color.

18 If that coffee had become cold and I
19 put it into a teramusu (ph), its primary
20 function is flavoring, and I am actually
21 consuming a flavor. The same item under FDA
22 has three purposes.

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1 Now you see why there is a lot of
2 confusion, but I think there's a lot of
3 understanding of what these ingredients are,
4 because the FDA has definitions of these
5 products.

6 So again, thank you for this time,
7 and I strongly urge you to keep colors on the
8 national list. Thank you.

9 CHAIRMAN O'RELL: I have a question
10 for you. I must be slow here today. You're
11 going to have to this one by me. Tumeric,
12 which would be considered a color additive in
13 a food product, you can't add that because of
14 the NOP regulations --

15 MR. SCHEIDE: If you remove it. The
16 NOP defines color and the FDA defines color.
17 In other words, in food products I am allowed
18 to use colors, non-synthetic, as they appear
19 on --

20 CHAIRMAN O'RELL: Color additives.

21 MR. SCHEIDE: Exactly, and organic
22 tumeric is exactly that, because in FDA food

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1 products, the FDA determines that tumeric is a
2 color. Is that understandable? The usage
3 basis of colors in organic certified foods is
4 FDA, because FDA regulates the overall food
5 product.

6 CHAIRMAN O'RELL: It allows you to
7 use tumeric in an organic product?

8 MR. SCHEIDE: Yes, exactly. In FDA
9 products, but that are also organically
10 certified. Absolutely.

11 CHAIRMAN O'RELL: Okay. So if you
12 have organic tumeric, you can use it in, let's
13 say, egg nog?

14 MR. SCHEIDE: Yeah, because of the
15 way the regulations read right now.

16 CHAIRMAN O'RELL: Right. So there's
17 not a problem?

18 MR. SCHEIDE: Yes.

19 CHAIRMAN O'RELL: Okay.

20 MEMBER SMILLIE: Unless you change
21 the regulations.

22 CHAIRMAN O'RELL: Excuse me?

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1 MEMBER SMILLIE: Unless it's taken
2 off --

3 MR. SCHEIDE: Yes, unless it's taken
4 off. Then NOP tells me --

5 CHAIRMAN O'RELL: Well, if it's
6 taken off, then all colors, color additives
7 cannot be used in organic products unless you
8 would petition for the use specifically of
9 tumeric or if it was available organically, an
10 agricultural product available organically.

11 MR. SCHEIDE: And you'd almost have
12 to make an annotation as you're saying
13 "tumeric" as a spice and as a colorant.

14 CHAIRMAN O'RELL: Okay. Thank you.
15 Dave. Rick Segalla is next, on deck.

16 MR. CARTER: Dave Carter, National
17 Bison Association, National Pet Nutrition,
18 itinerant consultant and NOSB survivor. First
19 of all, congratulations to the new appointees.
20 You've got a wonderful and frustrating five
21 years ahead of you, and I think you'll enjoy
22 the experience.

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1 I apologize for not being at the
2 orientation the other day like the other
3 former members. Some of us were under the
4 impression that this was just for the new
5 members. So I'm going to impart a few things
6 here towards the end.

7 I also want to recognize Valerie
8 Francis. I think one of the things as we left
9 the board, having the new executive director
10 come on is a great step forward for not only
11 the NOSB but for the organic program.

12 And I also want to congratulate Mark
13 Bradley and the NOP for the new spirit of
14 collaboration and engagement with the NOSB.
15 Plus it's kind of fun to deal with a guy that
16 looks a lot like Billy Bob Thornton.

17 (Laughter.)

18 MR. CARTER: Now, just a couple of
19 specific comments on some of the materials.

20 CHAIRMAN O'RELL: Was that
21 derogatory?

22 MR. CARTER: Not at all, not at all.

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1 On the items this morning, first of all, I
2 really appreciate the depth in which you're
3 trying to sort through the streptomycin and
4 tetracycline issue. I think there are a
5 number of reasons to be concerned.

6 I would caution you though, not to
7 aim all your ammunition at the antibiotic
8 issue, because not only as Arthur said does
9 OFPA relegate antibiotics to livestock; the
10 rule as well compartmentalizes it there.

11 So it's not really a valid issue to
12 use in terms of crops, although there are a
13 lot of concerns about that. Ivermectin, I
14 would like to see it disappear from the list.

15 I think there are other alternatives that are
16 coming about and I would encourage you to keep
17 your eye on the whole issue of parasiticides,
18 because I think there's some developments
19 there that will continue to make improvement.

20 Now let me just -- I have about six
21 things from a 30,000 foot view, that there are
22 things I'd like to say that there are items I

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1 wished I would have remembered to remember
2 when I was on the board, on just some general
3 guidance from an old geezer.

4 Number one is remember, and this is
5 for the new board members particularly,
6 remember that organics is about organics. We
7 like to get involved in discussion about
8 scale. Myself, I tend to be a big advocate of
9 small farms.

10 But when it comes to interpreting a
11 federal regulation, you determine the organic
12 regulations based upon organics. You neither
13 to raise the bar to try and prevent big
14 producers from coming in, nor lower it to try
15 and make it easier for them to come in.

16 Secondly, I would not hesitate -- I
17 want to encourage the new board members -- do
18 not hesitate to be an activist board. The
19 organic community is best served when there's
20 a healthy tension between the NOP and the
21 NOSB.

22 It's not a tension about

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1 personalities; it's a tension about the issue
2 and working together to try and solve problems
3 and bring different perspectives.

4 Third, if you have to make a choice
5 of where to invest your time, invest your time
6 at the committee level. The more work you do
7 in your committees to really dissect things
8 through, is less time that you have to spend
9 doing committee work at the board level.

10 I would encourage you to trust your
11 committees when they bring those things
12 forward that they have done that work, and to
13 rely on their judgment.

14 Use the board policy manual. It's a
15 good tool, and make sure that you not only use
16 it, but you continue to work on it and improve
17 it, and use the past board members and their
18 expertise. All of us are willing and able and
19 very eager to work with you.

20 Then finally the last two things is
21 that number one, if you have to say something
22 very controversial, do your best to try and

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1 create a diversion ahead of time to get Dennis
2 Blank out of the room.

3 (Laughter.)

4 MR. CARTER: And then finally, and
5 you may want to take a pen and write this one
6 down. This is a very important guidance, is
7 that any time before you get on a conference
8 call, make sure you understand how the mute
9 button works on your telephone.

10 (Laughter; applause.)

11 CHAIRMAN O'RELL: Yes. We will
12 always remember that, Dave. Thank you. Rick
13 Segalla and Adam Eiding.

14 MR. SEGALLA: My name's Rick
15 Segalla. I'm an organic farmer from
16 Connecticut. My words today are on the last
17 third of gestation rule. I think that's very
18 important.

19 The other, after having discussion
20 on this 30 percent of pasture and 120 days, I
21 still believe we need that because there's
22 talk about putting a number of acres per cow.

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1 Well, that rewards some and takes
2 away from others, because it's not fair to the
3 guy that's really trying to produce a good
4 organic pasture by keeping his cows out there
5 and improving his soil in that manner, where
6 he can put four or five cows to the acre on
7 there and obtain that 30 percent dry matter,
8 where another guy puts two cows to the acre
9 out there, only Because that's the acre
10 requirement and feeds them in the barn and
11 does nothing to improve the soils.

12 It has to be the 30 percent. If you
13 put just a number of acres out there, it isn't
14 going to work because there are guys out there
15 that can put four cows to the acre and obtain
16 that 30 percent.

17 But there are guys out there that
18 don't have the right quality land to put four
19 cows an acre out there, and they might not
20 even get that kind of return on a cow to the
21 acre.

22 If the farm's in the wrong place,

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1 they're going to have to size it to what they
2 have. I feel that's the only way that it
3 would be fair, and we have Lisa McCrory and
4 Sarah Flack, who have given you examples of
5 how they do it. Sarah said she'd be glad to
6 go help certifiers learn how to do it, and I'm
7 sure Lisa would too.

8 It's being done in the Northeast,
9 and it can be done any place else in the
10 country. Thank you.

11 MEMBER JAMES: I just want to
12 compliment you. Although we like to have
13 written submission, I'm just impressed you
14 always come up and you just speak without any
15 paper in front of you.

16 MR. SEGALLA: I can't read when I'm
17 nervous.

18 (Laughter.)

19 CHAIRMAN O'RELL: Adam and Dave
20 Engel.

21 MR. EIDINGER: Good afternoon. My
22 name is Adam Eidinger. I'm the Washington

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1 representative for the Organic Consumers
2 Association.

3 It's very nice to be here today, and
4 I apologize that our group was not here
5 earlier this week. We would have liked to
6 have been, but we had some major scheduling
7 problems.

8 Today, I'm going to present a
9 petition that is our comment on behalf of our
10 members. It was signed by over 17,500 people
11 on line. I have a CD-ROM here with a printout
12 of the petition and all the names and
13 addresses of everyone who's signed it, from
14 all 50 states.

15 The petition reads as follows: "We,
16 the undersigned organic consumers, are shocked
17 and outraged that so-called organic factory
18 farm feedlot dairies are importing milk calves
19 from conventional farms and then raising these
20 animals in crowded, inhumane conditions, with
21 little or no access to pasture, and then
22 labeling the milk and dairy products produced

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1 on these feed lots as 'USDA Organic.'

2 "We call on the National Organic
3 Program of the USDA to put an end to these
4 practices immediately. We also ask the USDA
5 to call on Congress to allocate adequate funds
6 to help thousands of American farmers and
7 ranchers make the transition to organic, so we
8 can meet the nation's growing demand for
9 organic foods, without lowering organic
10 standards or importing billions of dollars in
11 organic products unnecessarily from overseas."

12 I realize the chair asked that we
13 comment on some of the topics discussed
14 earlier today. I don't have a comment on
15 everything, but I do want to mention just a
16 couple of things that we've been very
17 concerned about, and were concerned about
18 earlier this year.

19 This NOSB panel is -- can always
20 call on the Organic Consumers Association to
21 participate in any discussions you have at
22 these meetings. We'd very much like to be

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1 part of the official discussion that takes
2 place.

3 Consumer groups need to be part of
4 the process, and I realize we're not industry
5 players, but we are talking to consumers all
6 the time and we're getting a lot of feedback
7 from consumers.

8 Pasture is an important issue,
9 contrary to much that was presented on the
10 panel yesterday, and I got the report on that.

11 This is an important issue. It can't be put
12 aside. Antibiotics, that's an important issue
13 too. We saw the survey.

14 But we're hearing that pasture is
15 very important, and there are 17,500 plus
16 people on this database who think it's
17 important, and we want that to be emphasized.

18 We also don't think that industry
19 consultants should be sitting on this board in
20 the seats that are reserved for consumer or
21 public interest groups. We'd very much like
22 to see the vacancy that's currently open

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1 filled with a true consumer representative.

2 I'm not saying that we haven't had -
3 - all of the representatives haven't been from
4 consumer groups, but obviously we know about
5 the resignation that happened, which we were
6 pleased by that.

7 So that's about it. As far as, I
8 guess, as far as some of these sunsetted
9 synthetics, you know, I'd be happy to try to
10 answer our position on them if you're
11 interested, but I did not come prepared to
12 give the line by line answer on each one. Do
13 you have any questions?

14 CHAIRMAN O'RELL: Thank you.

15 MR. EIDINGER: Thank you.

16 CHAIRMAN O'RELL: Dave Engel. On
17 deck, Lisa Engelbert.

18 MR. ENGEL: Good afternoon. My name
19 is David Engel. I'm a certified organic dairy
20 farmer since 1988, and an organic
21 certification agency representative since
22 1989.

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1 I have three things I'd like to
2 cover, one to the board and then two to the
3 NOP. To the board on the sunset materials, if
4 I were you, I would tend to allow all sunset
5 materials to come back on, unless very
6 clearly, unambiguous, unequivocally, there are
7 a unanimous effort to do it otherwise.

8 I really appreciated Andrea's common
9 sense and reasonable approach to handling
10 sunset materials. They've already been
11 through a very rigorous process to get there
12 to begin with, and you guys, I think, are
13 doing a good job.

14 Then to the NOP, since it is my
15 understanding that both the last third and the
16 pasture issue are something that the NOP will
17 be dealing with, rather than look in your
18 direction I'm going to look this way and speak
19 into the mike. But these are directed to you.

20 So these comments on organic
21 livestock standards are addressed primarily to
22 the NOP, as they are about access to pasture,

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1 which the NOP will be working on soon, and the
2 last third, very simply, I think it needs to
3 be.

4 If not, if the NOP is not inclined,
5 then I would suggest that they consider
6 commercial availability, the commercial
7 availability mechanism in the last third
8 issue.

9 So with all due respect to my fellow
10 dairy farmers, many but not all of whom want
11 stricter pasture standards, and with all due
12 respect to my fellow certifiers, many but
13 perhaps not all, of whom appear to feel
14 inadequately empowered to enforce the current
15 standards regarding pasture, I believe current
16 pasture standards provide extremely adequate
17 recourse and ability, empowerment if you will,
18 to verify compliance of an organic livestock
19 operator with ruminants, as regards access to
20 pasture.

21 I'm going to emphasize some of these
22 words continuously through here. A certifier

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1 does not have to look for ducks, does not have
2 to listen for ducks, and does not have to even
3 talk with ducks to accomplish this
4 verification of compliance.

5 The pasture standard states the
6 producer of an organic livestock operation
7 must establish and maintain livestock living
8 conditions, including access to pasture for
9 ruminants. "Must" means has to, is required
10 to, very simple and legally significant.

11 Access means the ruminant is able to
12 go somewhere, and pasture is where the critter
13 goes. Means, according to the legal
14 definition in the rule, land use for livestock
15 grazing that is managed -- emphasis added --
16 to provide feed value and maintain or improve
17 soil, water and vegetative resources.

18 Thus, when an organic inspector goes
19 to a ruminant livestock farm, there must be
20 access to pasture, based on those three words
21 and what I just said. If there are ducks,
22 they're great and hopefully the milk inspector

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1 won't see them, or if he/she does, they won't
2 be bothered by them.

3 However, if the organic inspector
4 does not see access to pasture, then that will
5 have to be documented, and the certifier will
6 have to consider that documentation.

7 The current pasture standard
8 provides the certifier with the ability to
9 determine not only the compliance with access
10 to pasture for a ruminants requirement, but
11 also the ability to determine the amount of
12 pasture needed in that operation.

13 The words in the pasture definition
14 and remember, ruminants must have access to
15 pasture, state that the pasture is land that
16 is managed, and again I emphasize that word,
17 to provide feed value and maintain or improve
18 soil, water and vegetative resources.

19 "To manage" reflects and is
20 management, the sum and substance of the
21 organic system plan. George's comments this
22 morning were extremely well-put. Just as one

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1 manages many things on a farm, cow comfort,
2 health, feeding and milking schedules and so
3 on, on an ongoing basis, so too is pasture to
4 be managed on an ongoing basis.

5 There will be situations where the
6 amount of pasture is not enough, and this must
7 be worked out between the certifier and the
8 operator on a continuous improvement basis,
9 just as many other management requirements and
10 recommendations are handled between a
11 certifier and operator; for example,
12 recordkeeping, machinery maintenance, buffers,
13 facilities, crop rotations, organic seed
14 compliance and so on.

15 In sum, large or small herds with or
16 without sufficient pasture management in place
17 are required to have sufficient management,
18 pasture management in place, and all herd must
19 be brought to that point on a continuous
20 improvement basis, in a reasonable and
21 mutually-agreed upon time frame, that the
22 certifier and operator determine via the

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1 organic system plan.

2 To paraphrase, and I have just one
3 line left.

4 CHAIRMAN O'RELL: You can finish
5 your thought.

6 MR. ENGEL: To paraphrase a great
7 song sung by many great singers, Johnny Cash,
8 etcetera, Merle Haggard, "And if that ain't
9 access to country pasture, I'll kiss my" --
10 and I don't remember that last word in the
11 song.

12 (Laughter.)

13 CHAIRMAN O'RELL: Thank you, Dave.

14 MEMBER KARREMAN: Dave, just a
15 question. Thank you. I thought you were
16 going to break into a song again like you did
17 a few years ago, the whole thing. So then
18 what's the problem right now? I mean, you
19 know, we hear there's some loopholes that are
20 not being enforced by certain certifiers.

21 And as I mentioned yesterday, I mean
22 some people in the industry like yourself say

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1 there is, you know, pasture is described and
2 it's there as it is. But then why are we
3 having the problems as we are, and why did we
4 have this wonderful symposium that we did?

5 MR. ENGEL: Well, I'll just address
6 the first part. The problems stem from the
7 certifier not interpreting the rule, and
8 working at applying it correctly.

9 MEMBER KARREMAN: Do you have any
10 specific spots, perhaps in the rule, that
11 certifiers are very good at --

12 MR. ENGEL: No. I just, I read very
13 specifically. I quoted the words. Those words
14 that the certifier has to apply correctly, and
15 that will take care of scale, you know, all
16 herds, amount of pasture that they do or do
17 not have, a certifier can figure it out via
18 the farm plan.

19 MEMBER KARREMAN: I just think it
20 needs some more teeth, such as the exemption
21 for stage of production.

22 That seems to be what people think

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1 is a loophole right now, and actually the term
2 access to pasture is kind of passive and
3 "shall graze" would give a more firm meaning,
4 wouldn't it?

5 MR. ENGEL: You know, I don't really
6 care. I mean my mother was an English major,
7 and she taught me to know all that stuff too.
8 But passive, active the words are there.

9 There is some legal teeth in at
10 least two of them. There's a definition
11 "must." Those two things have legal teeth in
12 them, and if a certifier can't handle it then
13 they just don't know ducks.

14 MEMBER SMILLIE: Dave, what state
15 are you from?

16 MR. ENGEL: Pardon?

17 MEMBER SMILLIE: What state do you
18 dairy in?

19 MR. ENGEL: Wisconsin.

20 MEMBER SMILLIE: Wisconsin.

21 CHAIRMAN O'RELL: Thank you, Dave.
22 Lisa, and I think this last name, I'm having a

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1 hard time reading it, Scott Williams, it could
2 from -- well.

3 MEMBER OSTIGUY: McManus?

4 CHAIRMAN O'RELL: No. From USDA
5 Office of Budget and Program something.

6 MEMBER KARREMAN: OMB?

7 CHAIRMAN O'RELL: No. It's not OMB.
8 It's another -- okay. Lisa.

9 MS. ENGELBERT: Good afternoon. My
10 name's Lisa Engelbert. I'm am co-
11 administrator with NOFA New York certified
12 organic in Binghamton, New York. I work
13 primarily with the dairy farms in our
14 organization. We're currently certifying 120
15 dairy farms and we've got well, last count, 25
16 more in transition. That seems to change
17 every day.

18 I'd like to first thank the NOSB and
19 the NOP for the incredible amount of time that
20 you put into this program. I'm kind of seeing
21 firsthand how much that really is. Thank you.

22 (Laughter.)

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1 MS. ENGELBERT: Organic
2 certification is a privilege, not a right. It
3 has to be earned. A producer that wants to
4 get their farm certified organic needs to
5 bring their operation into compliance with the
6 rule, not try to get the rule changed or
7 interpreted to fit their farm. We need to all
8 remember that.

9 I would like to reiterate NOFA New
10 York support for the proposed pasture policy,
11 of a minimum of 120 days and 30 percent dry
12 matter. I'm not going to beat it to death.
13 We've all heard it. We all know what everyone
14 said.

15 Public testimony has shown, excuse
16 me, over the last two days that the vast
17 majority of farms of all sizes all across the
18 country agree that we need definitive pasture
19 standards. We'll never reach 100 percent
20 consensus on this or any other issue. But the
21 majority of the farms in the country do agree
22 with this.

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1 We agree with Jim Riddle's comments
2 yesterday about conducting an inspection at
3 the beginning of the one-year herd transition,
4 to verify field status, feed on the farm, and
5 animal health care practices.

6 We are currently doing that at NOFA
7 New York. We have -- we work with our
8 producers in transition for the entire year.
9 They apply at the beginning of transition.

10 They have an inspectoin and review
11 at the beginning, within the first three or
12 four months of transition, depending on
13 weather situations, and then they have a
14 second.

15 They update their information and
16 they have a second inspection and review in
17 about the last 90 days. So it works really
18 well, and it identifies problems at the
19 beginning, not at the end.

20 We fully support the last third of
21 gestation, once the farm's made the transition
22 to organic production and has become

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1 certified.

2 It needs to be clarified that this
3 is a one-time distinct whole herd conversion,
4 and it is a one-time opportunity for
5 conventional dairy farm to transition their
6 herd to organic production.

7 It's clearly not the intent of the
8 rule to allow a continual state of transition.

9 Continual transition of animals for 12 months
10 prior to producing organic milk will allow
11 animals that have been treated with a
12 prohibited substance, fed GMO feed and
13 slaughter byproducts.

14 We do see them in feed rations
15 coming in, with these new dairies coming in,
16 for the first half of their life, to enter the
17 organic system. Think of what will happen if
18 an organic cow tests positive for mad cow down
19 the road. The implications could be huge.

20 I would like to comment on
21 tetracycline and streptomycin in crop
22 production. I should say I'm putting my

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1 consumer hat on now, not certifier hat. We
2 eat 90 to 95 percent organic food in our
3 household. If we can find an organic, we buy
4 it.

5 I think if organic consumers knew
6 that antibiotics were being used on fruit or
7 on crops, I think they'd likely change their
8 buying habits. if substances like these
9 continue to be allowed, what true incentive do
10 growers and manufacturers have to develop
11 effective alternatives.

12 Milk replacer. We agree with
13 removing it from the national list. We had a
14 Yoni situation on a farm, I think it was three
15 years ago. We actually talked to the NOP,
16 because they couldn't locate and we couldn't
17 locate any non-BST (ph) milk replacer.

18 The NOP said "Well, because of the
19 annotation, it can't be allowed," so we went
20 back and said Sorry. They bought a
21 pasteurizer. This is a bigger farm. This is
22 the biggest farm we certified. This isn't a

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1 little ten-cow dairy. This is a 350-cow
2 operation.

3 Pasteurized all of their milk, and
4 they have Yonis under control on their farm.
5 They're going a really good job.

6 Oxytocin, if this is kept on the
7 list, there needs to be clear annotation that
8 it has to be administered by a licensed vet.
9 I think there really is some abuse going on
10 with this product out in the field, the way
11 it's annotated right now.

12 Lastly, I would like to encourage
13 the NOP to start prosecuting and imposing
14 fines on farms found to be in willful
15 violation and subsequently revoked. A clear
16 message needs to be sent to the organic
17 community, that blatant, willful violations
18 will not be tolerated.

19 A five-year revocation is not
20 enough. Thank you.

21 CHAIRMAN O'RELL: Thank you.

22 MEMBER CAROE: Just a quick question

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1 for you, Lisa. Do you require all of your
2 producers to participate in a transition
3 inspection, as well as their certification
4 inspection?

5 MS. ENGELBERT: We do. That's the
6 way we handle our transition program.

7 MEMBER CAROE: And what has the
8 accreditation folks said during your
9 accreditation visits, since that's not a
10 requirement of the --

11 MS. ENGELBERT: They said that that
12 is not part of certification. That's our own
13 internal policy and it's fine. We're ISO-65
14 accredited. We're looked at every year.

15 MEMBER CAROE: Right, I know the ISO
16 65. But I mean I'm referring to the
17 accreditation under the program. So nobody's
18 had any problem with you hiring an extra --
19 something beyond the regulation.

20 MS. ENGELBERT: Well, we don't feel
21 it's beyond the regulation, because we're
22 working with the producer for the entire year.

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1 They're required to transition for a year,
2 and we're verifying their practices at the
3 beginning of the year, which I think should be
4 required across the board.

5 MEMBER KARREMAN: On that, just --

6 CHAIRMAN O'RELL: Bea was next.

7 MEMBER KARREMAN: Okay.

8 MEMBER JAMES: Thank you for your
9 comments, and for your patience as you endure
10 two second halves term. I'm just going to
11 make kind of a statement, opinion, and then I
12 wanted to ask you a question.

13 You know, some branches of
14 protection have mottos such as to protect and
15 to serve, and I know that certifiers are not
16 officers, but I do believe that it is their
17 job to reinforce the rules, make sure people
18 are following the rules to inspect and ensure,
19 and just like I asked Jim Riddle, I'm just
20 perplexed at how some farms could be given an
21 organic certificate if they're not following
22 the organic regulations, and I wanted to ask

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1 your opinion on that.

2 MS. ENGELBERT: I agree
3 wholeheartedly with you. I don't really
4 understand how that's happening. I agree with
5 Dave that the current rules should be enough.
6 I mean, the majority of the certifiers in the
7 country are doing it.

8 Unfortunately, obviously it's not
9 enough, because there are abuses occurring,
10 and I think because of those abuses, we do
11 need descriptive pasture standards,
12 unfortunately.

13 CHAIRMAN O'RELL: Hugh?

14 MEMBER KARREMAN: Just a follow-up
15 to what Andrea was saying, or I should say
16 that I think PCO does the same thing NOFA New
17 York does. No? Leslie? Because I thought
18 there's like a pre-inspection, and I just want
19 to say it does really help the farmers.

20 It really kicks them into gear,
21 starting them thinking about things before it
22 is too late. So it is a very good thing. I

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1 would agree with that, and I hope it gets
2 instituted.

3 MS. ENGELBERT: It allows any
4 potential non-compliances to be noticed right
5 up front, you know.

6 If you wait until the last four or
7 five or three or four months of transition to
8 do an inspection and look at their paper work
9 and look everything over and go on their farm,
10 if there's a major non-compliance there that
11 didn't show up prior to that, that farmer's
12 really in deep trouble. They've lost a lot of
13 -- yeah, I had to think about that word.

14 (Laughter.)

15 MS. ENGELBERT: I do live on a farm,
16 after all. But they may have lost, you know,
17 three quarters of a year at that point if you
18 don't do that, you know.

19 MEMBER KARREMAN: I've seen that
20 happen.

21 MS. ENGELBERT: Yeah. I've heard
22 horror stories about that happening. So

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1 anyone else? Thank you very much.

2 CHAIRMAN O'RELL: Thank you. I'm
3 going to try it again. Scott Williams? Is
4 that -- from the USDA? If there is nobody
5 there, we will go on. David DeCou, and last,
6 Brian Baker.

7 MR. DeCOU: I'm speaking for Brian
8 Baker. He just blew away.

9 CHAIRMAN O'RELL: Then you are last.
10 Do you have a proxy then?

11 MR. DeCOU: Yes. I'm actually
12 quoting Brian Baker. Well, almost quoting
13 here. Dave DeCou from the Organic Materials
14 Review Institute.

15 Thank you guys for all that you do.
16 You've been thanked many times, but it won't
17 be enough. You know, I've been in the organic
18 industry for way too long, but not long
19 enough.

20 And, you know, the work you do, now
21 that I've stumbled into Armory over the years,
22 the work that you do is -- I know how

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1 complicated it is, because we end up having to
2 try to figure some of it out later too.

3 Brian put a question out to me about
4 colors, because they were talked about
5 earlier, and he noted that one of you, and I
6 don't remember who, mentioned that some colors
7 are both non-synthetic and non-agricultural.
8 He was wondering if anybody could identify any
9 colors that are both non-synthetic and non-
10 agricultural?

11 And I can't. You know, I think the
12 point is that colors pretty much are
13 agricultural, but --

14 MEMBER OSTIGUY: Well, you're not
15 doing --

16 CHAIRMAN O'RELL: Julie?

17 MEMBER WEISMAN: It is not my area
18 of expertise, contrary to -- I don't do
19 colors. But I'm sorry. It's not -- colors
20 are not my business, but I do know that some
21 colors are mineral, which would make them non-
22 agricultural and non-synthetic.

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1 I think also some of the comments
2 that Tony Moore made about the non-
3 agricultural and non-synthetic ingredients in
4 flavors, non-synthetic.

5 He was specifically -- he was
6 talking about what we sometimes refer to as
7 natural aromatics or natural aroma chemicals.

8 We don't like to use the word "chemicals,"
9 but that is what they are.

10 I think that colors also include
11 those types -- colors, non-synthetic do
12 include those types of substances.

13 MR. DeCOU: As I said, it was a
14 question from Brian and I hope he hears what
15 you said.

16 MEMBER WEISMAN: I'll tell him.

17 MR. DeCOU: Brian also expressed a
18 concern that with the evidence that this
19 sunset process, a major significant part of it
20 is a concern about economic effect of any
21 possible change to the list.

22 He wanted to point out a

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1 consideration that is not always brought up,
2 but that a continued listing of colors in 605
3 is a dis-economic incentive for producers of
4 organic crops that might be used for colors.
5 So there's an economic effect in another
6 direction that is often not remembered.

7 As a former organic farmer, I used
8 to grow beets, and even in the early to mid-
9 90's, I know some of them were dried and sold
10 for coloring. Exactly how after they were
11 dried, they left my purview and I don't really
12 know.

13 Another point, and this is a
14 personal statement, not from Armory but
15 myself, but as a 20-year organic farmer, it
16 always strikes me, and I just have to say
17 this; I don't quite understand it. It always
18 strikes me as surprising that the handling
19 sector --

20 I guess the picture is an organic
21 farmer does the best they can to produce the
22 best food they can, the cleanest food they

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1 can, in the manner they can.

2 It always strikes me as important
3 that the handling sector and on through keeps
4 it clean, doesn't add anything to it, and it
5 always -- when I start hearing some of the
6 terminology of flavors and other things,
7 colors, I can't help but wonder, you know,
8 it's not where we started.

9 I can't -- I don't know how to
10 grapple with that. I understand how the
11 industry has evolved, but I think we always
12 need to take that perspective back, and how
13 are we nurturing the whole system to keep it
14 as what it originally was. It doesn't address
15 any particular product, but it's one of those
16 concerns.

17 I just get -- somehow it gets lost
18 in the "making the industry grow" question,
19 and I think that's one we shouldn't ever
20 forget. You know, it all comes off the farms.

21 Without the farms, there's nothing.

22 I've heard over and over again a

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1 concern about antibiotics in crops. I've also
2 heard people -- Julie mentioned aromatic
3 chemicals, as if "uh-oh, I used the word
4 `chemical.'"

5 This terminology -- both the
6 terminology and the concept of what actually
7 happens on the farm, the vast majority of the
8 population doesn't know what goes on on farms,
9 would be shocked about a lot of things that
10 are regularly done on farms, that aren't
11 really bad; they're just surprising.

12 I think it's a little scary to hear
13 people trying to make decisions about what
14 might be happening on a farm from that
15 perspective, when they don't really know
16 what's going on. Because they've been
17 protected from the world of agriculture most
18 of their lives, they won't understand why.

19 It's just very difficult as a former
20 farmer, one with a bad back, that those kinds
21 of thought processes might make a difference
22 in how your decisions are made, because it's

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1 important decisions that affect a lot of
2 people. Thank you for all you do.

3 (Applause.)

4 CHAIRMAN O'RELL: Thank you, Dave.
5 I think there's a question, Dave, before you -
6 -

7 MEMBER JAMES: I appreciate your
8 comments. Can you please explain to me --
9 I've not been a farmer -- how tetracycline and
10 streptomycin in crops is okay?

11 MR. DeCOU: I guess the question for
12 me is why is it not okay? At some point, it's
13 a very hard issue. There's a reason why that
14 there's no organic pears or essentially no
15 organic pears grown on the East Coast or the
16 Midwest, because of the climate.

17 So basically, you push everything to
18 an edge and you just push it off. If you
19 eliminate this tool, within a few years there
20 would probably be no organic pears, period.
21 That's acceptable or not.

22 I don't know how -- it's one of

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1 those things that sulphur is a widely-used
2 fungicide. It's pretty nasty stuff. It's not
3 fun to use. I've used plenty of it in growing
4 tree fruit for about seven years at one
5 point.

6 You know, if you took it out to the
7 consumer and showed it to them, they wouldn't
8 want to ever know it was on their food. You
9 know, I don't know what the damage to the
10 system is of using it or not, and that's where
11 it kind of gets really complicated, because as
12 Miles was pointing out, in WSDA they're trying
13 to go to --

14 Not in WSDA but in Washington, all
15 fruit growers are going to a very integrated
16 system, trying to minimize -- tweak their
17 system so it protects itself, which -- instead
18 of doing drastic interventions.

19 That's why they don't want to use
20 tetracycline or whatever. But I don't know
21 how you make that judgment. It's very, very
22 difficult.

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1 MEMBER JAMES: Has there -- do you
2 know of any long-term studies that have been
3 done to prove that those two applications are
4 safe?

5 MR. DeCOU: I don't know. I can use
6 the sarcastic comment "That's what you've been
7 eating for a long time." But that's a
8 sarcastic comment. But I don't have any -- I
9 don't know of any long-term scientific
10 studies, no.

11 CHAIRMAN O'RELL: Arthur?

12 MR. NEAL: This is more of a comment
13 as you consider what you're going to do about
14 the streptomycin and the tetracycline.

15 There are three comments that you
16 have to consider. How does this substance --
17 a previous board said that this meets the OFPA
18 criteria. Now we have to consider how does
19 this violate the OFPA criteria?

20 If we're saying this no longer is
21 consistent with organic principles and
22 practices, then that will be the case for the

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1 next five years for any material that could
2 resemble any type of activity those materials
3 exhibit.

4 MR. DeCOU: If somebody petitioned
5 it, if it was removed, it would be off for
6 five years. They couldn't be petitioned in
7 the meantime?

8 MR. NEAL: What I'm saying is that
9 if this board, through the sunset process,
10 says that we're not going to renew it, there's
11 got to be a justification.

12 Either it has some type of harmful
13 impact on human health or the environment,
14 it's not consistent with organic principles or
15 practices, or there's some other issues
16 related to the OFPA criteria.

17 That means that based on that
18 decision, that material comes off the national
19 list -- may come off the national list through
20 rulemaking, and for somebody to petition
21 otherwise, it's going to be hard for this
22 board to say it now meets OFPA criteria, when

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1 they sat it through this sunset process in
2 such a rapid fashion that it does not meet
3 OFPA criteria.

4 MR. DeCOU: I'd also like to point
5 out on the CDC comment about antibiotics to be
6 considered at this point.

7 I was struck by something that --
8 Hugh made a comment about hydrated lime and
9 whether it was used or not, and nobody used
10 it, was sort of sense I got from what he said,
11 and he's obviously an expert in a certain
12 area.

13 It was quickly acknowledged that it
14 is widely used in there. When the CDC says
15 something, it's a question of how broad or
16 narrow your expertise is at times.

17 Are they really understanding how
18 it's being used in certain circumstances or
19 not? I don't really know.

20 MEMBER KARREMAN: Can I just answer
21 that, Dave. The list serve of 1,700 that
22 about 35 answered, I don't know how valid a

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1 survey that is. But you know, that's how it
2 went. I won't get into the results again.

3 CHAIRMAN O'RELL: Nancy?

4 MEMBER OSTIGUY: I think the
5 question of narrow perspective goes both ways.

6 MR. DeCOU: Oh, I understand that
7 fully, and I know. That's why you get the
8 hard decisions and I get to comment.

9 MEMBER OSTIGUY: Just in a closing
10 remark, I want to say that I highly respect
11 the work that your organization does, and
12 Organic Materials Review Institute, perhaps
13 the whole issue of antibiotics on crops is
14 something that you could look into, and I
15 would certainly appreciate that research.

16 MR. DeCOU: I would love to, but we
17 don't do that much research itself. I mean,
18 we research materials that come at us and not
19 ones that we don't have.

20 That's why we didn't comment on a
21 whole lot of things here, because it's not our
22 purview to make the decisions you have to make

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1 or influence them, other than around
2 procedural technical issues, which is why we
3 spoke to only two materials.

4 So it's a little hard for us to
5 grapple with the plus funding, you know.
6 We're a not-for-profit. It means it doesn't
7 have extra money laying around. I would love
8 to look at things if we could, and Brian would
9 like to.

10 CHAIRMAN O'RELL: Hugh, to wrap this
11 up.

12 MEMBER KARREMAN: I don't have your
13 generic list in front of me, but do you have
14 any of what you guys consider regulated
15 substances for fire blight on the Armory
16 generic list?

17 MR. DeCOU: I don't have that in my
18 head. I have a copy back there.

19 MEMBER KARREMAN: You had a copy or
20 two around here yesterday.

21 MEMBER OSTIGUY: Hugh, what's your
22 question?

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1 MEMBER KARREMAN: Well, I mean
2 Armory is wonderful for listing of ingredients
3 that are prohibited or not, and they also have
4 like a restricted category. So it's like
5 we're not sure what the NOP thinks about it.

6 But obviously it's been petitioned
7 to Armory to look at, and usually those
8 substances are, in my opinion from livestock,
9 they're fairly efficacious. Maybe not all the
10 science behind them, but they're in the
11 contention for, you know --

12 MEMBER KARREMAN: Well, they're in -
13 -

14 CHAIRMAN O'RELL: Hugh.

15 MR. DeCOU: Their job is just to
16 interpret the regulations.

17 MEMBER KARREMAN: Right. But
18 they're only brought materials to them, if
19 people want to pay the process to get them
20 reviewed, which is not cheap. So I was just
21 wondering if there's some --

22 MR. DeCOU: Our restricted or

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1 regulated category is not quite as you
2 identified it. It is a category in which
3 additional concerns have to be met before you
4 use it. Every pesticide that's on there,
5 natural and they're all acceptable on the
6 national list.

7 But they need to work with their
8 certifier, and make them sure that they've
9 already done all the management options prior
10 to that, and they already know it isn't going
11 to work and they have to use this tool.

12 They can't just use it as a first
13 stop, and that's often what that "R" stands
14 for, is you can't just step in, and I'm sure
15 you have other things --

16 CHAIRMAN O'RELL: Yeah. I'm really
17 going to have to cut this off.

18 MEMBER OSTIGUY: Thank you. I can
19 answer the question very quickly. Both of the
20 materials are on the Armory list that were
21 discussed as substitutes for tetracycline and
22 streptomycin.

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1 CHAIRMAN O'RELL: Thank you, Nancy.

2 MS. FRANCES: Kevin? Over here,
3 Valerie Frances. There's a woman here that
4 did not make it on the sign-up list, and she
5 is requesting an opportunity to address the
6 board right now, if that would be permitted.
7 Bonnie Wideman? Wideman with NOSA.

8 CHAIRMAN O'RELL: Concerning
9 something that we --

10 MS. WIDEMAN: Pasture?

11 CHAIRMAN O'RELL: Okay, come on.

12 MS. FRANCES: Please spell your name
13 for the record?

14 MS. WIDEMAN: Wideman, W-I-D-E-M-A-
15 N. I'll make it very brief. My name is
16 Bonnie Wideman. I'm the Director of Midwest
17 Organic Services in Baroca, Wisconsin.

18 We are perhaps the largest dairy
19 certifier in the country, so I did feel that I
20 should make a comment, because other
21 certifiers have. We certify perhaps 350
22 dairies at this time, with maybe 50 more in

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1 transition.

2 Though I do, would like to -- I wish
3 the current pasture regulation were
4 sufficient, but since it is not and since all
5 cows are not receiving access to pasture under
6 the current rule, I feel that we could verify
7 30 percent and 120 days, and that it may not
8 be that our producers are meeting this now.

9 But if we have the flexibility to
10 work with them, I think we can. I would also
11 like to just register our opinion that since
12 milk replacer is not allowable for Yonis,
13 since ti's not an emergency, we see no use for
14 it.

15 Also, it would be better if oxytocin
16 were off the list, since most of our milk
17 producers cannot use it because of their milk
18 buyer. So that's it.

19 CHAIRMAN O'RELL: Thank you.

20 MS. FRANCES: Thank you.

21 CHAIRMAN O'RELL: Yes. What we're
22 going to do now is I know that when we took

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1 our break at lunch at 2:00, the Handling
2 Committee had an opportunity to meet and take
3 care of some committee business, based on
4 input from public comments.

5 The Livestock Committee, I believe,
6 is set and ready for recommendations, again
7 taking the input from public comment that
8 we've had. But Gerald, the Crops Committee,
9 do you need a few minutes?

10 MEMBER DAVIS: Yes.

11 CHAIRMAN O'RELL: Okay. So what I'm
12 going to suggest is what, 15 minutes or you
13 tell me what works, because we did have time
14 planned for this. We tried to squeeze it in
15 there, but because there were people on both
16 committees, it didn't work. So --

17 MEMBER DAVIS: If we are wanting to
18 craft a change to the hydrated lime
19 recommendation, that has to be physically
20 typed up and --

21 CHAIRMAN O'RELL: No, no, no. You
22 can just do --

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1 MEMBER DAVIS: Ten minutes is
2 probably plenty.

3 CHAIRMAN O'RELL: Fine. So let's
4 take 15 minutes we'll give you. Then we'll
5 come back, take a break. When we come back,
6 we're going to start doing the recommendations
7 for sunset and other recommendations by
8 committees, and we'll be voting on those
9 action items. Thank you.

10 (Whereupon, a short recess was
11 taken.)

12 CHAIRMAN O'RELL: I'd ask the board
13 members to be seated. We're all here?

14 (Pause.)

15 Board Vote on Committee Recommendations

16 CHAIRMAN O'RELL: Okay. We've been
17 able to have the Crops Committee breakaway,
18 and do some discussion at the committee level,
19 and we will start with -- we're going through
20 the recommendations for items that we'll be
21 voting on.

22 We'll do this by Committee, and

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1 Gerald, we'll start with the Crops Committee.

2 MEMBER DAVIS: Okay. Find the
3 papers. The Crops Committee -- I guess we'll
4 bring up the materials one at a time. I've
5 got them all out of order again here somehow.

6 Excuse me. There we go.

7 Kevin, our intent now is just to re-
8 present the recommendation and ask for any
9 more discussion before vote. Yes. Just to
10 read --

11 CHAIRMAN O'RELL: To read the
12 recommendation, and we've already had some
13 background information.

14 So I don't think you need to go into
15 that. Read the recommendation. We'll do one
16 at a time, and then we will enter that as a
17 motion, and then if it's seconded, we'll have
18 for Discussion. Yes Hugh?

19 MEMBER KARREMAN: When we're doing
20 this, if there was discussion at lunch in an
21 officially convened committee meeting, should
22 we say what we were -- in case --

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1 CHAIRMAN O'RELL: If you've changed
2 a recommendation based on committee work
3 today, then you would indicate what that
4 change was and then I would have a brief
5 discussion as to the rationale, as to why you
6 changed your recommendation from the earlier.

7 MEMBER KARREMAN: I understand. But
8 let's say there was also another discussion --
9 no, okay.

10 CHAIRMAN O'RELL: No.

11 Crops Committee Recommendations

12 MEMBER DAVIS: Synthetic substances
13 allowed for use in organic production.
14 Section 205.601(a), as algicides,
15 disinfectants and sanitizers.

16 The Crops Committee recommendation,
17 based on comments received, is that for
18 chlorine materials, calcium hypochloride,
19 sodium hypochloride and chlorine dioxide, the
20 Crops Committee recommends renewal of these
21 materials for use in this category.
22 Discussion?

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1 MEMBER OSTIGUY: Second. You needed
2 a second. I did it.

3 MEMBER DAVIS: Okay.

4 CHAIRMAN O'RELL: So it was moved
5 and seconded. Discussion?

6 (Pause.)

7 MEMBER JAMES: I only have one point
8 of discussion, and that is for the new
9 members, to be sure that you review on the
10 recommendation exactly how that committee is
11 recommending it, because I'm speaking from
12 experience.

13 But on my first meeting, it's
14 confusing sometimes whether you're voting yes
15 on a no or no on a yes. So you just want to
16 make sure that you look at that before you
17 make your vote.

18 MEMBER CAROE: Call the question.

19 MEMBER DAVIS: Call the question if
20 we're going to take the vote.

21 CHAIRMAN O'RELL: I'm trying to get
22 the paper work here. I'm sorry. We're a

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1 little behind in getting the paper work. So
2 this is 205.601(a).

3 MEMBER DAVIS: And the category is
4 the Crops Committee recommends the renewal of
5 the following materials to the use category,
6 Section 2, "Chlorine Materials," except that
7 residual chlorine materials in the water shall
8 not exceed the maximum residual disinfectant
9 limit under the Safe Drinking Water Act.

10 Number one, calcium hypochloride;
11 two, sodium hypochloride; three, chlorine
12 dioxide.

13 CHAIRMAN O'RELL: So if everybody's
14 clear, if you're voting "yes," it is to renew
15 these items.

16 A "no" would be not to renew them on
17 the list, and you have the option of
18 abstaining, and just to point out that if you
19 abstain from a vote, it goes with the
20 majority. It's tallied in the majority.
21 Okay. We'll start with Jeff.

22 MEMBER OSTIGUY: Conflicts?

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1 CHAIRMAN O'RELL: Thank you. Are
2 there any conflicts on the board with this
3 recommendation of materials?

4 (No response.)

5 CHAIRMAN O'RELL: Okay. Hearing
6 none, Jeff?

7 MEMBER MOYER: I vote yes.

8 CHAIRMAN O'RELL: Nancy?

9 MEMBER OSTIGUY: No.

10 CHAIRMAN O'RELL: Julie?

11 MEMBER WEISMAN: Yes.

12 CHAIRMAN O'RELL: Joe?

13 MEMBER SMILLIE: Yes.

14 CHAIRMAN O'RELL: Bea?

15 MEMBER JAMES: Yes.

16 CHAIRMAN O'RELL: Andrea?

17 MEMBER CAROE: Yes.

18 CHAIRMAN O'RELL: Gerald?

19 MEMBER DAVIS: Yes.

20 CHAIRMAN O'RELL: Dan?

21 MEMBER GIACOMINI: Yes.

22 CHAIRMAN O'RELL: Kevin?

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1 MEMBER ENGELBERT: No.

2 CHAIRMAN O'RELL: Hugh?

3 MEMBER KARREMAN: Yes.

4 CHAIRMAN O'RELL: And the chair
5 votes yes.

6 MEMBER KARREMAN: Rigo?

7 CHAIRMAN O'RELL: I'm sorry, Rigo?

8 MEMBER DELGADO: Yes.

9 CHAIRMAN O'RELL: I've got to
10 remember to go to the top of the list.

11 MEMBER CAROE: And the chair votes
12 yes?

13 CHAIRMAN O'RELL: And the chair
14 votes yes.

15 MEMBER CAROE: 10-2-0-2.

16 CHAIRMAN O'RELL: Ten yes, two no,
17 two absent. So that motion passes.

18 MEMBER DAVIS: On the list, 205.601,
19 synthetic substances allowed for use in
20 organic crop production. Two, category of use,
21 (e) as insecticides, including acaracides (ph)
22 or mite control; (i) as plant disease control,

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1 horticultural oils.

2 The Crops Committee recommends the
3 renewal of the following material in these
4 categories of uses: (e) as insecticides,
5 including acaracides or mite control; (6)
6 oils, horticultural, narrow range oils as
7 dormant, suffocating and summer oils; (i) as
8 plant disease control, oils, horticultural,
9 narrow range oils as dormant, suffocating and
10 summer oils.

11 MEMBER OSTIGUY: Second.

12 CHAIRMAN O'RELL: You entered that
13 as a form of a motion?

14 MEMBER DAVIS: Okay, yes.

15 CHAIRMAN O'RELL: Seconded. It's
16 been moved and seconded. Discussion?

17 (No response.)

18 CHAIRMAN O'RELL: Hearing no
19 discussion, we'll take the vote. Any
20 conflicts?

21 (No response.)

22 CHAIRMAN O'RELL: No conflicts.

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1 Nancy?

2 MEMBER OSTIGUY: Yes.

3 CHAIRMAN O'RELL: Julie?

4 MEMBER WEISMAN: Yes.

5 CHAIRMAN O'RELL: Joe?

6 MEMBER SMILLIE: Yes.

7 CHAIRMAN O'RELL: Bea?

8 MEMBER JAMES: No.

9 CHAIRMAN O'RELL: Andrea?

10 MEMBER CAROE: Yes.

11 CHAIRMAN O'RELL: Gerald?

12 MEMBER DAVIS: Yes.

13 CHAIRMAN O'RELL: Dan?

14 MEMBER GIACOMINI: Yes.

15 CHAIRMAN O'RELL: Kevin?

16 MEMBER ENGELBERT: No.

17 CHAIRMAN O'RELL: Hugh?

18 MEMBER KARREMAN: No.

19 CHAIRMAN O'RELL: Rigo?

20 MEMBER DELGADO: Yes.

21 CHAIRMAN O'RELL: Jeff?

22 MEMBER MOYER: Yes.

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1 CHAIRMAN O'RELL: And the chair
2 votes yes.

3 MEMBER CAROE: 9-3-0-2.

4 CHAIRMAN O'RELL: Nine yes, three
5 no, zero abstentions, two absent, and two-
6 thirds. We need eight to pass, so that motion
7 carries.

8 MEMBER DAVIS: The Crops Committee
9 reconvened before, a few minutes ago that is,
10 and reconsidered the topic of hydrated lime as
11 plant disease control.

12 We decided as a committee, voting 5
13 to 0, to change the recommendation as has been
14 posted to that the Crops Committee recommends
15 renewing the following material to the
16 national list:

17 (i) As plant disease control, Item
18 3, hydrated lime.

19 MEMBER OSTIGUY: Second.

20 CHAIRMAN O'RELL: It's been moved
21 and seconded. Any Discussion? Any conflicts?

22 (No response.)

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1 CHAIRMAN O'RELL: Hearing none,
2 Julie?

3 MEMBER WEISMAN: Yes.

4 CHAIRMAN O'RELL: Joe?

5 MEMBER SMILLIE: Yes.

6 CHAIRMAN O'RELL: Bea?

7 MEMBER JAMES: Yes.

8 CHAIRMAN O'RELL: Andrea?

9 MEMBER CAROE: Yes.

10 CHAIRMAN O'RELL: Gerald?

11 MEMBER DAVIS: Yes.

12 CHAIRMAN O'RELL: Dan?

13 MEMBER GIACOMINI: Yes.

14 CHAIRMAN O'RELL: Kevin?

15 MEMBER ENGELBERT: Yes.

16 CHAIRMAN O'RELL: Hugh?

17 MEMBER KARREMAN: Yes.

18 CHAIRMAN O'RELL: Rigo?

19 MEMBER DELGADO: Yes.

20 CHAIRMAN O'RELL: Jeff?

21 MEMBER MOYER: Yes.

22 CHAIRMAN O'RELL: Nancy?

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1 MEMBER OSTIGUY: Yes.

2 CHAIRMAN O'RELL: And the chair
3 votes yes.

4 MEMBER CAROE: 12-0-0-2.

5 CHAIRMAN O'RELL: Twelve yes, zero
6 no, no abstentions, two absent. The motion
7 carries.

8 MEMBER DAVIS: I'm not sure of the
9 wording on how this goes, but concerning
10 hydrogen peroxide. The Crops Committee
11 recommends renewal of the following material
12 in this use category:

13 (a) as algicide, disinfectants and
14 sanitizers, including irrigation system
15 cleaners, for hydrogen peroxide. Section (i)
16 as plant disease control, Item 4, hydrogen
17 peroxide.

18 MEMBER OSTIGUY: Second.

19 CHAIRMAN O'RELL: It's been moved
20 and seconded. Any Discussion?

21 (No response.)

22 MEMBER CAROE: Who seconded?

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1 CHAIRMAN O'RELL: Nancy. Any
2 conflicts?

3 (No response.)

4 CHAIRMAN O'RELL: We'll take the
5 vote, starting with Joe?

6 MEMBER SMILLIE: Yes.

7 CHAIRMAN O'RELL: Bea?

8 MEMBER JAMES: Yes.

9 CHAIRMAN O'RELL: Andrea?

10 MEMBER CAROE: Yes.

11 CHAIRMAN O'RELL: Gerald?

12 MEMBER DAVIS: Yes.

13 CHAIRMAN O'RELL: Dan?

14 MEMBER GIACOMINI: Yes.

15 CHAIRMAN O'RELL: Kevin?

16 MEMBER ENGELBERT: Yes.

17 CHAIRMAN O'RELL: Hugh?

18 MEMBER KARREMAN: Yes.

19 CHAIRMAN O'RELL: Rigo?

20 MEMBER DELGADO: Yes.

21 CHAIRMAN O'RELL: Jeff?

22 MEMBER MOYER: Yes.

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1 CHAIRMAN O'RELL: Nancy?

2 MEMBER OSTIGUY: Yes.

3 CHAIRMAN O'RELL: Julie?

4 MEMBER WEISMAN: Yes.

5 CHAIRMAN O'RELL: Joe?

6 MEMBER SMILLIE: Yes.

7 CHAIRMAN O'RELL: And the chair
8 votes yes. 12-0-0-2. Motion carries.

9 MEMBER DAVIS: On the list, 205.601,
10 category of use Section (i) as plant disease
11 control. Streptomycin and tetracycline for
12 fire blight control in apples and pears.

13 The Crops Committee recommends
14 renewing the materials listed in Section (i)
15 as plant disease control, Item No. 10,
16 streptomycin for fire blight control in apples
17 and pears only. Item 11, tetracycline,
18 oxytetracycline calcium complex for fire
19 blight control only.

20 MEMBER OSTIGUY: Second. I'm sorry,
21 is it both materials we're voting on?

22 MEMBER DAVIS: Yes. It's both

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1 materials. Any discussion?

2 (No response.)

3 MEMBER DAVIS: I did have a comment.

4 There's been a lot of debate both ways on
5 these materials. People feel pretty strongly
6 about it in general.

7 As the Crops Committee discussed
8 that in our meeting this afternoon, just a few
9 minutes ago, and decided that upon listening
10 to the testimony and then talking about the
11 sunset process in general, that we should,
12 even though we may have personal objections to
13 the materials and the way they're used, but
14 that we should stick to the strict intention
15 of the sunset process and vote that way,
16 rather than necessarily only on our philosophy
17 or our personal feelings, but how we are
18 obligated to abide by the rules and the
19 process of the sunset process. Anyone else
20 have anything to add to that?

21 CHAIRMAN O'RELL: No. I think that
22 was well-said. I think that certainly my

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1 sentiments are I would rather not be here, but
2 a previous board did go through the diligence
3 of approving that, and there wasn't anything
4 really brought forward, other than a
5 philosophical point, which I'd have to side
6 with.

7 But in the effort of the sunset
8 process, I would have to agree with your
9 comments.

10 MEMBER DAVIS: Barring any other
11 discussion, I can call the question.

12 CHAIRMAN O'RELL: Any conflicts?

13 (No response.)

14 CHAIRMAN O'RELL: Hearing none, Bea?

15 MEMBER JAMES: No.

16 CHAIRMAN O'RELL: Andrea?

17 MEMBER CAROE: Yes.

18 CHAIRMAN O'RELL: Gerald?

19 MEMBER DAVIS: Yes.

20 CHAIRMAN O'RELL: Dan?

21 MEMBER GIACOMINI: Yes.

22 CHAIRMAN O'RELL: Kevin?

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1 MEMBER ENGELBERT: No.

2 CHAIRMAN O'RELL: Hugh?

3 MEMBER KARREMAN: Abstain.

4 CHAIRMAN O'RELL: Rigo?

5 MEMBER DELGADO: Yes.

6 CHAIRMAN O'RELL: Jeff?

7 MEMBER MOYER: No.

8 CHAIRMAN O'RELL: Nancy?

9 MEMBER OSTIGUY: No.

10 CHAIRMAN O'RELL: Julie?

11 MEMBER WEISMAN: Yes.

12 CHAIRMAN O'RELL: Joe?

13 MEMBER SMILLIE: Yes.

14 CHAIRMAN O'RELL: And the chair
15 votes yes.

16 MEMBER CAROE: 8 to 4 -- 7 to 4-1-2.

17 It passes.

18 MEMBER JAMES: Sorry, I didn't hear
19 that.

20 MEMBER CAROE: Seven yeas, four
21 no's, one abstention, two absent. The motion
22 passes.

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1 CHAIRMAN O'RELL: So it passes.

2 MEMBER DAVIS: The Crops Committee
3 recommends the renewal of the following:
4 205.601, Section (j) as plant or soil
5 amendments.

6 Item 1, aquatic plant extracts other
7 than hydrolyzed. Extraction process is
8 limited to the use of potassium hydroxide or
9 sodium hydroxide. Solvent used is limited to
10 that amount necessary for extraction.

11 MEMBER OSTIGUY: Second.

12 CHAIRMAN O'RELL: It's been moved
13 and seconded. Is there any discussion?

14 (No response.)

15 CHAIRMAN O'RELL: Any conflicts?

16 (No response.)

17 CHAIRMAN O'RELL: Start with Andrea.

18 MEMBER CAROE: Yes.

19 CHAIRMAN O'RELL: Gerald.

20 MEMBER DAVIS: Yes.

21 CHAIRMAN O'RELL: Dan?

22 MEMBER GIACOMINI: Yes.

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1 CHAIRMAN O'RELL: Kevin?

2 MEMBER ENGELBERT: Yes.

3 CHAIRMAN O'RELL: Hugh?

4 MEMBER KARREMAN: Yes.

5 CHAIRMAN O'RELL: Rigo?

6 MEMBER DELGADO: Yes.

7 CHAIRMAN O'RELL: Jeff?

8 MEMBER MOYER: Yes.

9 CHAIRMAN O'RELL: Nancy?

10 MEMBER OSTIGUY: Yes.

11 CHAIRMAN O'RELL: Julie?

12 MEMBER WEISMAN: Yes.

13 CHAIRMAN O'RELL: Joe?

14 MEMBER SMILLIE: Yes.

15 CHAIRMAN O'RELL: Bea?

16 MEMBER JAMES: Yes.

17 CHAIRMAN O'RELL: And the chair

18 votes yes.

19 MEMBER CAROE: 12-0-0-2.

20 CHAIRMAN O'RELL: 12-0-0 carries, 0-

21 2.

22 MEMBER DAVIS: For humic acids,

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1 205.601(j) as planter soil amendments. The
2 Corps Committee recommends the renewal of the
3 following substances in this use category:
4 Item 3, humic acids, naturally occurring
5 deposits, water and alkali extracts only.

6 MEMBER OSTIGUY: Second.

7 CHAIRMAN O'RELL: It's been moved
8 and seconded.

9 MEMBER CAROE: By Nancy.

10 CHAIRMAN O'RELL: It's been moved
11 and seconded. Any discussion?

12 (No response.)

13 CHAIRMAN O'RELL: Any conflicts?

14 (No response.)

15 CHAIRMAN O'RELL: Start with Gerald?

16 MEMBER DAVIS: Yes.

17 CHAIRMAN O'RELL: Dan?

18 MEMBER GIACOMINI: Yes.

19 CHAIRMAN O'RELL: Kevin?

20 MEMBER ENGELBERT: No.

21 CHAIRMAN O'RELL: Hugh?

22 MEMBER KARREMAN: Yes.

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1 CHAIRMAN O'RELL: Rigo?

2 MEMBER DELGADO: Yes.

3 CHAIRMAN O'RELL: Jeff?

4 MEMBER MOYER: Yes.

5 CHAIRMAN O'RELL: Nancy?

6 MEMBER OSTIGUY: Yes.

7 CHAIRMAN O'RELL: Julie?

8 MEMBER WEISMAN: Yes.

9 CHAIRMAN O'RELL: Joe?

10 MEMBER SMILLIE: Yes.

11 CHAIRMAN O'RELL: Bea?

12 MEMBER JAMES: Yes.

13 CHAIRMAN O'RELL: Andrea?

14 MEMBER CAROE: Yes.

15 CHAIRMAN O'RELL: And the chair
16 votes yes.

17 MEMBER CAROE: 11-1-0-2.

18 CHAIRMAN O'RELL: 11 yes, one no,
19 zero abstentions, two absent.

20 MEMBER DAVIS: Section 205.601,
21 synthetic substance allowed for use in organic
22 crop production. Category of use, Section (j)

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1 as plant or soil amendments, Item 4, lignin
2 sulfonate as a key leading agent, dust
3 suppressant, floatation agent, and also as a
4 flotation agent in post-harvest handling,
5 Section (1), Item 1, lignin sulfonate.

6 MEMBER OSTIGUY: Second.

7 CHAIRMAN O'RELL: It's been moved
8 and seconded. Discussion? I have a question.

9 If lignin sulfonate is available, and we
10 talked before about sodium silicate doing the
11 same function, is there a belief that we need
12 two, or if we don't, which was it?

13 MEMBER DAVIS: Based on the
14 testimony we received from the Washington
15 state program, being that there is a
16 limitation on the lignin sulfonate for some
17 producers, on where they can for their waste
18 water, the one to drop if you were going to
19 drop one would be the lignin sulfonate.

20 MEMBER OSTIGUY: It was lignin
21 sulfonate that we would drop, Because that's
22 the one that would block --

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1 (Simultaneous discussion.)

2 MEMBER SMILLIE: But only as a
3 flotation.

4 MEMBER OSTIGUY: Right.

5 MEMBER MOYER: The other material
6 was a dust suppressant as well, which is what
7 --

8 MEMBER OSTIGUY: Right, right.

9 MEMBER SMILLIE: Right.

10 MEMBER MOYER: And the other
11 material doesn't do that.

12 MEMBER DAVIS: Can we split them,
13 that apart?

14 CHAIRMAN O'RELL: I'm just wondering
15 if there's merit into limiting the use of it,
16 and not having it for -- oh yes. We can't do
17 annotations. This is right. Okay. All
18 right, I tried.

19 MEMBER GIACOMINI: So you can't use
20 -- hoist it on your own.

21 (Simultaneous discussion.)

22 CHAIRMAN O'RELL: Jim Riddle is

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1 giving me the thumbs down.

2 (Laughter.)

3 CHAIRMAN O'RELL: I learn from you,
4 Jim.

5 MEMBER KARREMAN: That explains it.

6 MEMBER OSTIGUY: We didn't say that.
7 He did.

8 MEMBER DAVIS: Can I call the
9 question?

10 CHAIRMAN O'RELL: Any other
11 discussion? Any conflicts?

12 (No response.)

13 CHAIRMAN O'RELL: Start the voting
14 with Dan.

15 MEMBER GIACOMINI: Yes.

16 CHAIRMAN O'RELL: Kevin?

17 MEMBER ENGELBERT: No.

18 CHAIRMAN O'RELL: Hugh?

19 MEMBER KARREMAN: Yes.

20 CHAIRMAN O'RELL: Rigo?

21 MEMBER DELGADO: Yes.

22 CHAIRMAN O'RELL: Jeff?

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1 MEMBER MOYER: Yes.

2 CHAIRMAN O'RELL: Nancy?

3 MEMBER OSTIGUY: Yes.

4 CHAIRMAN O'RELL: Julie?

5 MEMBER WEISMAN: Yes.

6 CHAIRMAN O'RELL: Joe?

7 MEMBER SMILLIE: Yes.

8 CHAIRMAN O'RELL: Bea?

9 MEMBER JAMES: Abstain.

10 CHAIRMAN O'RELL: Andrea?

11 MEMBER CAROE: No.

12 CHAIRMAN O'RELL: Gerald?

13 MEMBER DAVIS: Yes.

14 CHAIRMAN O'RELL: The chair will
15 abstain.

16 MEMBER CAROE: 8-2-2-2. That just
17 made it too.

18 MEMBER DAVIS: 205.601, synthetic
19 substances allowed for use in organic
20 production. Category of use (1) as floating
21 agents in post-harvest handling.

22 The Crops Committee recommends

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1 renewing the following material to the use in
2 this category, as floating agents in post-
3 harvest handling, sodium silicate.

4 MEMBER OSTIGUY: Second.

5 CHAIRMAN O'RELL: It's been moved
6 and seconded. Any discussion?

7 MEMBER KARREMAN: So would this
8 substance replicate one of the two functions
9 of lignin sulfonate that we just renewed?

10 CHAIRMAN O'RELL: Andrea.

11 MEMBER CAROE: Since lignin
12 sulfonate is not allowed for organic
13 production going over to Japan, it would not
14 solve the problem for those growers shipping
15 Organic product to Japan.

16 CHAIRMAN O'RELL: Nancy?

17 MEMBER OSTIGUY: Additionally, it's
18 been disallowed in certain areas in the U.S.
19 in their sewer systems.

20 MEMBER KARREMAN: The lignin?

21 MEMBER OSTIGUY: Yes, the lignin.

22 MEMBER KARREMAN: But not the sodium

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1 silicate?

2 MEMBER OSTIGUY: Correct.

3 MEMBER KARREMAN: Okay.

4 CHAIRMAN O'RELL: Joe, did you have

5 --

6 MEMBER SMILLIE: Same point.

7 CHAIRMAN O'RELL: Same point. Any
8 other Discussion?

9 MEMBER KARREMAN: Maybe the person
10 from Washington state already talked about
11 this, but would a grower be using both on one
12 operation, or do they normally just pick one
13 or the other, because --

14 MEMBER SMILLIE: It would depend how
15 their water was treated, number one. If their
16 water went to a municipal water system, they'd
17 have to use the sodium silicate. But they
18 could be using the lignin sulfonate for other
19 uses, kelating agents or --

20 But as far as flotation goes, it
21 depends on how their water is treated. If
22 they dispose of their own water, they could

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1 choose between the two. But if it went into a
2 municipal water system, they have no choice
3 but to use sodium silicate.

4 CHAIRMAN O'RELL: Other discussion?
5 We have a motion that's been seconded. No
6 more Discussion. Any conflicts?

7 (No response.)

8 CHAIRMAN O'RELL: Start with Kevin?

9 MEMBER ENGELBERT: No.

10 CHAIRMAN O'RELL: Hugh?

11 MEMBER KARREMAN: Yes.

12 CHAIRMAN O'RELL: Rigo?

13 MEMBER DELGADO: Yes.

14 CHAIRMAN O'RELL: Jeff?

15 MEMBER MOYER: Yes.

16 CHAIRMAN O'RELL: Nancy?

17 MEMBER OSTIGUY: Yes.

18 CHAIRMAN O'RELL: Julie?

19 MEMBER WEISMAN: Yes.

20 CHAIRMAN O'RELL: Joe?

21 MEMBER SMILLIE: Yes.

22 CHAIRMAN O'RELL: Bea?

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1 MEMBER JAMES: Abstain.

2 CHAIRMAN O'RELL: Andrea?

3 MEMBER CAROE: Yes.

4 CHAIRMAN O'RELL: Gerald?

5 MEMBER DAVIS: Yes.

6 CHAIRMAN O'RELL: Dan?

7 MEMBER GIACOMINI: Yes.

8 CHAIRMAN O'RELL: The chair votes
9 yes.

10 MEMBER CAROE: 10-1-1-2.

11 CHAIRMAN O'RELL: The motion
12 carries.

13 MEMBER CAROE: Okay. I'll move the
14 mike closer. That was 10-1-1-2.

15 CHAIRMAN O'RELL: Are there any
16 others that you want us to read off?

17 PARTICIPANT: The one for lignin
18 sulfonate.

19 CHAIRMAN O'RELL: 8-2-2-2. Eight
20 yes, two no, two abstentions, two absent.

21 MEMBER DAVIS: That concludes the
22 Crops Committee list.

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1 CHAIRMAN O'RELL: Thank you, Gerald.

2 Okay, Hugh.

3 Livestock Committee Recommendations

4 MEMBER KARREMAN: Okay, Livestock.

5 The first item is 205.603, category of use
6 (c), as feed supplements. I forget. Do I say
7 what the committee -- okay.

8 The Committee recommended to not
9 renew milk replacers as listed.

10 MEMBER OSTIGUY: Second.

11 CHAIRMAN O'RELL: So it's been moved
12 and seconded. Discussion?

13 MEMBER SMILLIE: That means if we
14 vote "yes," we're voting not to renew it.

15 CHAIRMAN O'RELL: The vote for "yes"
16 is a vote not to renew the item. That's
17 correct. Any discussion?

18 MEMBER CAROE: Yes.

19 CHAIRMAN O'RELL: Andrea?

20 MEMBER CAROE: I think when we make
21 recommendations to not renew, it should be
22 clearly stated which of the three criteria

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1 were not met, because it's very clear in the
2 *Federal Register* that it's either human
3 health, wholly met -- what is it?

4 Non-synthetic alternative, or not
5 consistent with OFPA.

6 MEMBER KARREMAN: I would say it's a
7 non-synthetic alternative is available would
8 be the reason.

9 MEMBER CAROE: And that's based on
10 testimony that --

11 MEMBER KARREMAN: It's based on the
12 testimony of a few hundred people and farmers.

13 CHAIRMAN O'RELL: Okay. Any other
14 discussion? Any conflicts?

15 (No response.)

16 CHAIRMAN O'RELL: I've just got to
17 catch up with the paper work.

18 MEMBER KARREMAN: No problem.

19 CHAIRMAN O'RELL: The motion has
20 been made and seconded. The vote for yes is
21 not renew, so everybody's clear, starting with
22 Hugh?

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1 MEMBER KARREMAN: Yes.
2 CHAIRMAN O'RELL: Rigo?
3 MEMBER DELGADO: Yes.
4 CHAIRMAN O'RELL: Jeff?
5 MEMBER MOYER: Yes.
6 CHAIRMAN O'RELL: Nancy.
7 MEMBER OSTIGUY: Yes.
8 CHAIRMAN O'RELL: Julie.
9 MEMBER WEISMAN: Yes.
10 CHAIRMAN O'RELL: Joe?
11 MEMBER SMILLIE: Yes.
12 CHAIRMAN O'RELL: Bea?
13 MEMBER JAMES: Yes.
14 CHAIRMAN O'RELL: Andrea.
15 MEMBER CAROE: Yes.
16 CHAIRMAN O'RELL: Gerald.
17 MEMBER DAVIS: Yes.
18 CHAIRMAN O'RELL: Dan?
19 MEMBER GIACOMINI: No.
20 CHAIRMAN O'RELL: Kevin?
21 MEMBER ENGELBERT: Yes.
22 CHAIRMAN O'RELL: The chair votes

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1 yes.

2 MEMBER CAROE: 11-1-0-2.

3 CHAIRMAN O'RELL: Which means the
4 motion passes to remove milk replacers from
5 the list of synthetics.

6 MEMBER KARREMAN: okay. The next
7 item is hydrated lime, and the Livestock
8 Committee had a meeting during lunch, and we
9 certainly have taken into account the public
10 opinion.

11 There was a motion to retain
12 hydrated lime on the list for livestock
13 production. That motion passed at the
14 committee meeting at lunch. So the official
15 vote now.

16 CHAIRMAN O'RELL: So the motion from
17 --

18 MEMBER KARREMAN: The motion to
19 renew passed, to renew it. So the Livestock
20 Committee is renewing -- is recommending to
21 renew hydrated lime.

22 MEMBER SMILLIE: Was that a vote?

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1 CHAIRMAN O'RELL: It's a motion.

2 MEMBER CAROE: We're not in
3 discussion yet. We need a second.

4 MEMBER OSTIGUY: I'll second.

5 MEMBER KARREMAN: Okay.

6 CHAIRMAN O'RELL: It's been motioned
7 and seconded. Any discussion? Any conflicts?

8 (No response.)

9 MEMBER DAVIS: Is that a unanimous
10 Committee vote at lunch?

11 MEMBER KARREMAN: Yes, it was. Yes.
12 Shall I read the official listing then for
13 the vote now? I didn't do that yet.

14 CHAIRMAN O'RELL: The official?

15 MEMBER KARREMAN: Well, the category
16 use and all that.

17 CHAIRMAN O'RELL: Sure.

18 MEMBER KARREMAN: I should right?

19 CHAIRMAN O'RELL: Put it in the form
20 of a motion, yes.

21 MEMBER KARREMAN: So the Livestock
22 Committee recommends and makes a motion that

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1 under 205.603, category use (b) as topical
2 treatment, external parasiticide or local
3 anesthetic as applicable, to renew lime,
4 hydrated as listed.

5 MEMBER DAVIS: Second.

6 CHAIRMAN O'RELL: Moved and
7 seconded. Discussion? Any conflicts?

8 (No response.)

9 CHAIRMAN O'RELL: Start the voting
10 with Rigo?

11 MEMBER DELGADO: Yes.

12 CHAIRMAN O'RELL: Jeff.

13 MEMBER MOYER: Yes.

14 CHAIRMAN O'RELL: Nancy?

15 MEMBER OSTIGUY: Yes.

16 CHAIRMAN O'RELL: Julie?

17 MEMBER WEISMAN: Yes.

18 CHAIRMAN O'RELL: Joe?

19 MEMBER SMILLIE: Yes.

20 CHAIRMAN O'RELL: Bea?

21 MEMBER JAMES: Yes.

22 CHAIRMAN O'RELL: Andrea?

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1 MEMBER CAROE: Yes.

2 CHAIRMAN O'RELL: Gerald?

3 MEMBER DAVIS: Yes.

4 CHAIRMAN O'RELL: Dan?

5 MEMBER GIACOMINI: Yes.

6 CHAIRMAN O'RELL: Kevin?

7 MEMBER ENGELBERT: Yes.

8 CHAIRMAN O'RELL: Hugh?

9 MEMBER KARREMAN: Yes.

10 CHAIRMAN O'RELL: The chair votes
11 yes.

12 MEMBER CAROE: 12-0-0-2.

13 MEMBER KARREMAN: Okay. The next
14 item is 205.603, category use (a) as
15 disinfectants, sanitizer and medical
16 treatments as applicable. Chlorine materials,
17 all three, the calcium hypochloride, calcium
18 dioxide, sodium hypochloride. The Livestock
19 Committee recommends to renew them on the
20 list.

21 MEMBER CAROE: Is there a second?

22 MEMBER ENGELBERT: Second.

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1 CHAIRMAN O'RELL: Second, Kevin E.
2 Discussion? Any conflicts?

3 (No response.)

4 CHAIRMAN O'RELL: Start the voting
5 with Jeff.

6 MEMBER MOYER: I vote yes.

7 CHAIRMAN O'RELL: Nancy.

8 MEMBER OSTIGUY: No.

9 CHAIRMAN O'RELL: Julie?

10 MEMBER WEISMAN: Yes.

11 CHAIRMAN O'RELL: Joe?

12 MEMBER SMILLIE: Yes.

13 CHAIRMAN O'RELL: Bea?

14 MEMBER JAMES: Yes.

15 CHAIRMAN O'RELL: Andrea?

16 MEMBER CAROE: Yes.

17 CHAIRMAN O'RELL: Gerald?

18 MEMBER DAVIS: Yes.

19 CHAIRMAN O'RELL: Dan?

20 MEMBER GIACOMINI: Yes.

21 CHAIRMAN O'RELL: Kevin?

22 MEMBER ENGELBERT: Yes.

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1 CHAIRMAN O'RELL: Hugh?

2 MEMBER KARREMAN: Yes.

3 CHAIRMAN O'RELL: The chair votes
4 yes.

5 MEMBER CAROE: There's one missing.

6 CHAIRMAN O'RELL: Rigo?

7 MEMBER DELGADO: Yes.

8 CHAIRMAN O'RELL: Thank you.

9 MEMBER CAROE: That's 11-1-0-2.

10 CHAIRMAN O'RELL: So the motion
11 carries.

12 MEMBER KARREMAN: Okay, next item?

13 CHAIRMAN O'RELL: Yes.

14 MEMBER KARREMAN: The next item is
15 under 205.603, category use (a) as
16 disinfectants, sanitizer and medical
17 treatments as applicable.

18 The Livestock Committee recommends
19 renewing oxytocin as listed.

20 MEMBER OSTIGUY: Second.

21 CHAIRMAN O'RELL: It's been moved
22 and seconded. Discussion?

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1 MEMBER KARREMAN: Yes. We did have
2 discussion about this at lunch, and I think
3 there was the consensus that if it gets
4 renewed now, that the annotation should change
5 at the minimum, so that it's only administered
6 by a veterinarian.

7 MEMBER CAROE: So --

8 MEMBER KARREMAN: This is
9 discussion. We're not voting on an annotation
10 change. I'm just saying that's what we were
11 talking about.

12 MEMBER ENGELBERT: We did vote again
13 at the committee level. It did pass again.

14 CHAIRMAN O'RELL: And it was
15 unanimous at the committee level?

16 MEMBER KARREMAN: There was a motion
17 to not renew it and that failed. Therefore,
18 the motion stands to renew it. We also had
19 discussion that it should only be administered
20 by a veterinarian. At some point we need to
21 take that up. But we can't do that here
22 during sunset.

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1 CHAIRMAN O'RELL: But the intent of
2 the Livestock Committee is to take that up as
3 an issue?

4 MEMBER KARREMAN: Absolutely.

5 MEMBER ENGELBERT: Part of our work
6 plan.

7 CHAIRMAN O'RELL: Part of the work
8 plan?

9 MEMBER KARREMAN: Yes.

10 MEMBER CAROE: Well then I would say
11 we need a petition in order to do that. So it
12 should be on the record and spread from here
13 on out, that that's what we're looking for, is
14 those folks that commented to petition for a
15 change of annotation.

16 MEMBER GIACOMINI: There was
17 Discussion in the Committee, with a number of
18 people who were not necessarily in favor of
19 having it on the list, but not having the
20 justification within the three items that we
21 are specified to deal with, to justify taking
22 it off at this time.

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1 CHAIRMAN O'RELL: Right, okay.
2 Further discussion? Any conflicts?

3 MEMBER KARREMAN: I guess I probably
4 make about \$200 a year off that product from
5 sales.

6 CHAIRMAN O'RELL: Well, it's
7 disclosure.

8 MEMBER KARREMAN: Okay. I don't
9 know if that's a conflict.

10 CHAIRMAN O'RELL: I wouldn't feel
11 that you'd have to recuse yourself for -- I
12 know your ethics are beyond \$200.

13 (Laughter.)

14 MEMBER SMILLIE: It's \$250, Hugh.

15 MEMBER CAROE: You treat those
16 animals, whether they stay in the organic herd
17 or not, so I can't see that you're going to
18 make any less money if this comes off the list
19 than if it stays on the list. So I see that
20 as absolutely no conflict.

21 CHAIRMAN O'RELL: Okay. That was a
22 better answer than the one I gave.

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1 (Laughter.)

2 CHAIRMAN O'RELL: Nancy?

3 MEMBER OSTIGUY: No.

4 CHAIRMAN O'RELL: Julie?

5 MEMBER WEISMAN: Yes.

6 CHAIRMAN O'RELL: Joe?

7 MEMBER MOYER: Abstain.

8 CHAIRMAN O'RELL: Bea?

9 MEMBER JAMES: Yes.

10 CHAIRMAN O'RELL: Andrea?

11 MEMBER CAROE: Yes.

12 CHAIRMAN O'RELL: Gerald?

13 MEMBER DAVIS: Abstain.

14 CHAIRMAN O'RELL: Dan.

15 MEMBER GIACOMINI: Yes.

16 CHAIRMAN O'RELL: Kevin?

17 MEMBER ENGELBERT: No.

18 CHAIRMAN O'RELL: Hugh?

19 MEMBER KARREMAN: Yes.

20 CHAIRMAN O'RELL: Rigo?

21 MEMBER DELGADO: Yes.

22 CHAIRMAN O'RELL: Jeff?

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1 MEMBER SMILLIE: Yes.

2 CHAIRMAN O'RELL: And the chair
3 votes yes.

4 MEMBER CAROE: 8-2-2-2, passes.

5 MEMBER KARREMAN: Okay. Last item
6 is 205.603, category use (a), as disinfectant,
7 sanitizer and medical treatments as
8 applicable. Number 13, parasiticides,
9 Ivermectin, as listed. The Committee
10 recommended to renew it.

11 MEMBER OSTIGUY: Second.

12 CHAIRMAN O'RELL: Second by Nancy.
13 Discussion? Was that -- what was the
14 Committee's -- was that unanimous from the
15 Committee?

16 MEMBER KARREMAN: We didn't discuss
17 it today, but on the Committee vote
18 previously, it was 5 yes and 1 no.

19 CHAIRMAN O'RELL: So it's the same
20 from our discussion before, that you had
21 expressed. Andrea?

22 MEMBER CAROE: Just any

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1 reconsideration due to public comment? I mean
2 you didn't vote on it. You kept your original
3 recommendation. Was there any further
4 discussion?

5 MEMBER KARREMAN: no.

6 MEMBER GIACOMINI: Again, given the
7 parameters that we have to work within, we
8 couldn't come to a conclusion that, other than
9 what we did.

10 CHAIRMAN O'RELL: For the sunset
11 process?

12 MEMBER GIACOMINI: Correct, given
13 the sunset process.

14 MEMBER CAROE: Is there any need to
15 ask commenters to petition for any changes? I
16 mean anything the Committee felt might have
17 been a preferable course of action if we had
18 it available to us?

19 MEMBER KARREMAN: This is still --
20 whatever we -- if we renew it here, it will
21 still be considered by the regulators, due to
22 the antibiotic structure property on paper.

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1 CHAIRMAN O'RELL: Nancy?

2 MEMBER OSTIGUY: At least among some
3 of us, there is also the opinion that assuming
4 Moxidectin actually goes through, we would
5 like to request that a petition be submitted
6 to remove this from the list.

7 But based on the sunset criteria,
8 the recommendation was to put it forward.

9 MEMBER CAROE: Can I make just a
10 quick comment?

11 CHAIRMAN O'RELL: Yes Andrea.

12 MEMBER CAROE: Just a reminder to
13 anybody that would petition to remove,
14 petitions to remove have priority to any
15 petition to add. So that would be -- I
16 hesitate to say, but a quicker process than
17 adding. Cautiously say it.

18 CHAIRMAN O'RELL: Any further
19 discussion? Any conflict?

20 MEMBER KARREMAN: I saw even less of
21 this than I did the oxytocin.

22 (Laughter.)

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1 CHAIRMAN O'RELL: Thank you, Hugh.

2 We'll start then with Julie.

3 MEMBER WEISMAN: Yes.

4 CHAIRMAN O'RELL: Joe?

5 MEMBER SMILLIE: Abstain.

6 CHAIRMAN O'RELL: Bea?

7 MEMBER JAMES: No.

8 CHAIRMAN O'RELL: Andrea.

9 MEMBER CAROE: I'll abstain.

10 CHAIRMAN O'RELL: Gerald?

11 MEMBER DAVIS: Yes.

12 CHAIRMAN O'RELL: Dan?

13 MEMBER GIACOMINI: Yes.

14 CHAIRMAN O'RELL: Kevin?

15 MEMBER ENGELBERT: No.

16 CHAIRMAN O'RELL: Hugh?

17 MEMBER KARREMAN: Yes.

18 CHAIRMAN O'RELL: Rigo?

19 MEMBER DELGADO: Yes.

20 CHAIRMAN O'RELL: Jeff?

21 MEMBER MOYER: Yes.

22 CHAIRMAN O'RELL: Nancy?

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1 MEMBER OSTIGUY: No.

2 CHAIRMAN O'RELL: The chair votes
3 no.

4 MEMBER CAROE: 7-3-2-2. The motion
5 passes.

6 CHAIRMAN O'RELL: Six yes.

7 MEMBER CAROE: Six yes. I
8 apologize.

9 CHAIRMAN O'RELL: Two abstentions.
10 The vote carries.

11 MEMBER CAROE: No, it's not
12 possible. It's 7-3-3-2. There's 14 members
13 on this board.

14 MEMBER GIACOMINI: It's only 12 --
15 how many are here?

16 MEMBER OSTIGUY: Only 12 are voting.

17 MEMBER CAROE: Twelve voting with
18 two absent. There's 14 members on this board.
19 It's 7-3-2-2.

20 MEMBER JAMES: The vote was 6-4.

21 MEMBER KARREMAN: We have four no's
22 over there.

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1 (Simultaneous Discussion.)

2 MEMBER CAROE: I only had three
3 no's.

4 CHAIRMAN O'RELL: No, we have four
5 no's. We have four no's recorded. We have
6 six yes, four no's, two abstentions, two
7 absent.

8 MEMBER CAROE: Okay, so it passes.
9 6-4-2-2, passes. Abstentions go with the
10 majority.

11 CHAIRMAN O'RELL: Thank you, Hugh.
12 Handling. Julie.

13 (Simultaneous discussion.)

14 Handling Committee Recommendations

15 (Pause.)

16 MEMBER WEISMAN: Okay. The Handling
17 Committee met during lunch, and voted to amend
18 the existing recommendation for 205.605(a),
19 non-synthetics allowed. The amendment, the
20 recommended amendment was to move colors from
21 renewal to the deferred category on this
22 recommendation.

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1 The motion was made by Kevin,
2 seconded by Bea. The Committee vote to amend
3 was 5 yes, 0 no, no abstentions. It was
4 unanimous.

5 So a "yes" vote on this
6 recommendation will be to renew colors on
7 205.605(a), and to defer -- did I just say
8 colors?

9 To renew flavors, I'm sorry, on
10 205.605(a), and to defer colors. We've got to
11 vote on both at one time.

12 CHAIRMAN O'RELL: Or we could --

13 MEMBER WEISMAN: In other words, we
14 amended the recommendation by moving colors
15 from --

16 MEMBER ENGELBERT: We could put a
17 motion through, and I think it would be more
18 clear on this instance if we did that. So if
19 we took a separate motion for flavors first,
20 and then go to colors or however you want.

21 MEMBER WEISMAN: Sure.

22 MEMBER KARREMAN: I move that we

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1 vote on the items separately, with flavors
2 first and then colors after that.

3 MEMBER WEISMAN: Okay.

4 MEMBER OSTIGUY: Second.

5 CHAIRMAN O'RELL: Well, we don't
6 have the motion yet.

7 MEMBER CAROE: Well, he's motioning
8 to change --

9 MEMBER GIACOMINI: He's motioning to
10 split the vote.

11 CHAIRMAN O'RELL: Oh. That's
12 something the Committee -- the Committee can
13 just make the determination on how they want
14 to present it. That's fine.

15 MEMBER WEISMAN: So do we need a
16 motion right now.

17 MEMBER CAROE: Which motion is being
18 voted on? Which material?

19 MEMBER WEISMAN: Okay. Right now,
20 the Committee is recommending that flavors,
21 non-synthetic sources only and must not be
22 produced using synthetic solvents and carrier

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1 systems or any artificial preservative, be
2 renewed on 205.605(a), non-synthetics allowed.

3 CHAIRMAN O'RELL: OKAY. That is the
4 motion.

5 MEMBER OSTIGUY: Second.

6 CHAIRMAN O'RELL: Nancy seconds it.

7 So you have a motion to renew flavors under
8 205.605(a). Discussion?

9 MEMBER CAROE: I mean once again,
10 this is to complete the sunset process for
11 this material. However, based on all of the
12 comments received, we would welcome petitions
13 for specific flavor types, and potentially
14 listing them on different national list
15 categories or sections.

16 CHAIRMAN O'RELL: And I'm sure we're
17 going to get some. But that will trigger then
18 TAP reviews and we'll be able to go through
19 the process of determining how these stack up
20 to the OFPA criteria, as well as whether
21 they're agricultural or natural, for specific
22 groups. Hearing no Discussion, any conflicts?

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1 MEMBER WEISMAN: Kevin, I am
2 involved in manufacturing both non-synthetic
3 flavors and organic flavors.

4 MEMBER CAROE: I would have to say
5 that I would suggest that Julie recuse herself
6 from this vote.

7 MEMBER WEISMAN: I recuse myself.

8 CHAIRMAN O'RELL: I think a recusal
9 on this would be accepted, yes. So Julie,
10 I'll mark you as a recusal. Any further
11 discussion, and any additional conflicts?

12 MEMBER CAROE: Point of procedure.
13 Can Julie make this motion if she's recused
14 herself?

15 MEMBER WEISMAN: Oh. This happened
16 to me once before.

17 CHAIRMAN O'RELL: No, no.

18 MEMBER CAROE: I don't believe that
19 she can.

20 MEMBER OSTIGUY: I will move that
21 the renewal of flavors, non-synthetic sources
22 only, and must not be produced using synthetic

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1 solvents and carriers.

2 MEMBER CAROE: I'll second.

3 CHAIRMAN O'RELL: For the renewal,
4 it's been moved and seconded by Andrea. Okay.

5 MEMBER CAROE: Sorry about that.

6 MEMBER WEISMAN: No. That's good.

7 CHAIRMAN O'RELL: Any additional
8 discussion? Conflicts?

9 (No response.)

10 CHAIRMAN O'RELL: Okay. Joe?

11 MEMBER SMILLIE: Yes.

12 CHAIRMAN O'RELL: Bea?

13 MEMBER JAMES: Yes.

14 CHAIRMAN O'RELL: Andrea?

15 MEMBER CAROE: Yes.

16 CHAIRMAN O'RELL: Gerald?

17 MEMBER DAVIS: Yes.

18 CHAIRMAN O'RELL: Dan?

19 MEMBER GIACOMINI: Yes.

20 CHAIRMAN O'RELL: Kevin?

21 MEMBER ENGELBERT: Yes.

22 CHAIRMAN O'RELL: Hugh?

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1 MEMBER KARREMAN: Yes.

2 CHAIRMAN O'RELL: Rigo?

3 MEMBER DELGADO: Yes.

4 CHAIRMAN O'RELL: Jeff?

5 MEMBER MOYER: Yes.

6 CHAIRMAN O'RELL: Nancy.

7 MEMBER OSTIGUY: Yes.

8 CHAIRMAN O'RELL: The chair votes
9 yes.

10 MEMBER CAROE: 11-0-0-2, one
11 refusal.

12 CHAIRMAN O'RELL: So the motion
13 passes on flavors.

14 MEMBER WEISMAN: Okay. I am not
15 involved in the manufacture of colors.

16 CHAIRMAN O'RELL: Okay. I'm glad we
17 got that up front.

18 MEMBER WEISMAN: So may I make a
19 motion?

20 CHAIRMAN O'RELL: You may.

21 MEMBER WEISMAN: Okay. I move that
22 we -- that colors, non-synthetic sources only,

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1 be deferred from a decision on renewing on
2 205.605(a). I'm sorry. It's getting late.

3 MEMBER OSTIGUY: I'll second that.

4 CHAIRMAN O'RELL: Nancy seconds. So
5 I think we probably want to explain some of
6 the Committee thinking, in terms of changing
7 this recommendation from renewal to a
8 deferral, and a large part of it is based on
9 public comment that happened over the last two
10 days.

11 MEMBER WEISMAN: Right, and I did
12 mention some of it this morning, but I will
13 certainly -- it bears repeating, that on this
14 round of public comment, that happened after
15 the decision to defer in August, we had a lot
16 of comments opposing the relisting of colors.

17 Many of them cited the fact that
18 they had not -- they weren't -- the fact that
19 they're even on the list was not because of a
20 recommendation from the NOSB, that in fact
21 there had been recommendations to remove it by
22 the NOSB that had not been acted upon.

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1 There's sufficient controversy
2 around its existence on the list now that we
3 felt that we could not recommend renewal at
4 this time, because of these procedural
5 irregularities. Is that fair?

6 CHAIRMAN O'RELL: Yes. The
7 procedural issues around colors, and hearing
8 from the historical perspective of not being
9 recommended by the board, and at one time the
10 board had recommended the removal of colors
11 and at one time and the technical correction
12 that didn't take place.

13 Certainly that leaves us in a
14 position that this will sunset unless there's
15 further action in October, but still runs the
16 risk of sunset at October 2007.

17 We would encourage the public to
18 file petitions for specific colors that are
19 being used, anado tumeric as a color if it's
20 not available.

21 If it's an agricultural component
22 and not available organically, then for

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1 recommendation to 606. But this has got us in
2 a quandary, and right now we feel that the
3 only thing we can do is defer it.

4 We might request a full TAP on
5 colors as well, and that will be in the
6 Handling Committee work plan, do further
7 evaluation on this as to how we move forward.
8 Andrea?

9 MEMBER CAROE: Well, also we would
10 request petitions for color types. It would
11 help us with our TAP reviews if we could have
12 those.

13 Based on the comments heard, that we
14 could categorize these colors into
15 manufacturing techniques that would make the
16 TAP relevant to all the materials in that
17 group.

18 CHAIRMAN O'RELL: Arthur's been
19 waiting in the deck.

20 MR. NEAL: And if a petition will be
21 sent into the board for consideration of this
22 particular material, colors, we advise you to

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1 please supply manufacturers information, so
2 that the contractor can contact the
3 manufacturer, to find out more about
4 manufacturing processes, and that information
5 will be kept confidential.

6 But that the contractor can provide
7 the board with adequate information that would
8 resolve some of the questions that exist in
9 the industry concerning color types.

10 CHAIRMAN O'RELL: Dan?

11 MEMBER GIACOMINI: I would just like
12 some clarification from the Committee as to
13 why they chose to defer and the time line, or
14 what they envision happening, as opposed to
15 voting and recommending for removal?

16 MEMBER CAROE: I can answer that.
17 The deferral is because we don't have the
18 complete TAP. We don't have any evidence to
19 indicate it doesn't meet one of those three
20 criteria for sunseting the material.

21 But we don't have the information
22 that was originally needed to put this

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1 material on the list and a board vote. So
2 it's lack of information.

3 There's not -- in order for us to
4 recommend to allow this material to sunset, we
5 have to have -- define clear evidence that it
6 doesn't meet one of those three requirements.

7 CHAIRMAN O'RELL: And the existing
8 evaluation criteria that we did fill out for
9 colors left, has a lot of holes in it, and we
10 knew that. Jeff?

11 MEMBER MOYER: I just have a process
12 questoin that sort of follows on to what maybe
13 Dan was asking.

14 As a new person on the board, it's
15 my understanding that if no action is taken
16 today or at the next meeting, more than likely
17 this material drops off the list
18 automatically; is that correct?

19 CHAIRMAN O'RELL: That's true. If
20 no action is taken by the October meeting,
21 then this would fall off the list. October of
22 this year.

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1 MEMBER MOYER: That's correct.

2 CHAIRMAN O'RELL: '06, '07 for
3 sunset.

4 MEMBER MOYER: And the action that
5 needs to be taken would need to be taken by
6 the general public, in the form of a petition.

7 CHAIRMAN O'RELL: For a petition for
8 specific colors that are in use today in
9 industry.

10 MEMBER MOYER: You could ask for a
11 full TAP report, and then bring this up for a
12 vote again at the October meeting.

13 MEMBER CAROE: We could ask for a
14 TAP report.

15 CHAIRMAN O'RELL: Go ahead. No, go
16 ahead.

17 MEMBER CAROE: We could ask for a
18 TAP report, but based on the comments that we
19 were receiving, the category in itself is
20 problematic. We need those public commenters
21 to petition for the types of colors that
22 they're using, so that we can have this listed

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1 appropriately.

2 MEMBER MOYER: Then my question
3 would be is there enough time between now and
4 then for them to petition and have those
5 petitions accepted so they would not have a
6 lapse in color use? That was just a question.
7 I don't know.

8 MEMBER CAROE: And we actually
9 talked to the program about this, and they
10 have suggested that they will handle this as
11 expedited as possible in order for us to
12 accomplish that. That was our concern as
13 well.

14 CHAIRMAN O'RELL: Recognizing that
15 there is an economic impact to people who are
16 in the marketplace with those colors now.

17 But those people now who are using
18 those colors need to get those petitions in,
19 so that we can get the appropriate TAPs on not
20 just the broad category of colors, but on the
21 specific anado tumeric, carmine if somebody
22 wants, whatever. I will recognize Kim if it's

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1 appropriate.

2 MS. DIETZ: I think there could be
3 some action on this board, and one would be to
4 prepare the TAP contractors that there will be
5 a TAP coming. They can start the TAP.

6 Also, you need to somehow seek the
7 public to start petitioning, and perhaps
8 that's through the trade association or
9 something else. But somehow that
10 communication needs to get out there on those
11 colors.

12 You can request the TAP now. It
13 just may take a little longer for them to
14 finish it, because they won't have everything.

15 CHAIRMAN O'RELL: Well, and I think
16 we'll have a discussion with this in
17 committee, because I think just having a TAP
18 on a general colors doesn't work. We're going
19 to have to identify specific colors that are
20 of interest out there, and start working in
21 that direction, yes.

22 MS. DIETZ: We have done category

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1 TAPs, but you still need specifics for the
2 ingredients. But generally, they're all going
3 to be made the same way and that sort of
4 thing, I would think.

5 MEMBER JAMES: This is a question
6 for Valerie. How quickly do you think we
7 could turn around and get this request posted?

8 MS. FRANCES: Request for a
9 petition?

10 MEMBER JAMES: Well, announcement,
11 request for public input on the --

12 MS. FRANCES: Do you want to
13 recommend a format for that, or provide --

14 CHAIRMAN O'RELL: Yes, Arthur.
15 Defer to Arthur please.

16 MR. NEAL: It's all going to really
17 be based on how fast we can get information,
18 because our meeting concluded in November last
19 year, and we had TAPs ready, I guess, in
20 February of this year, for you all to review
21 for this meeting.

22 This is a different story with

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1 colors, because it's such -- it covers so many
2 different materials. The problem that the
3 contractor had is that we don't -- we don't
4 have any manufacturing processes.

5 So if there are particular colors
6 that you know are of interest, we need to know
7 what those colors are. We need to know the
8 names of manufacturers so that the contractor
9 can contact them, to give you proper
10 information and proper perspective on what
11 you're dealing with.

12 We can turn that around. This is
13 what -- this is April. We can probably have
14 it if we get the information, you know mid-
15 month, by August.

16 CHAIRMAN O'RELL: And I see, I know
17 we have representatives, OTA in the audience.

18 We have suppliers in the audience.

19 We have, I think, somebody
20 representing GMA in the audience to get out
21 words through trade associations, etcetera,
22 that we're looking for this input. Yes, Rigo?

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1 MEMBER DELGADO: Just a question,
2 and I'm concerned about getting the word out.

3 I know there's a number of organizations
4 represented here, but what other channels of
5 communications do we have available to, you
6 know, publish this request or this need of
7 ours?

8 MEMBER WEISMAN: What occurs to me,
9 we got a -- we had a comment on colors from
10 the American Association of Colors -- there's
11 a trade association of color manufacturers.

12 I don't think they had any
13 representatives here at this meeting, and when
14 they learn that colors has not been voted to
15 renew at this meeting, I imagine they're going
16 to get very busy. I don't know what the
17 politics are of us informing them sooner
18 rather than later that that's been the
19 outcome.

20 I don't know. Is that appropriate?

21 Can we call them, for someone on -- for me,
22 as the chair of the Handling Committee, to

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1 call them and inform them?

2 CHAIRMAN O'RELL: Well, I think that
3 anybody who submitted comments we should
4 reply. So if somebody submitted a comment and
5 it's on record that they were in favor of
6 colors, I think that it would be fair to
7 notify them that colors are being deferred.

8 MEMBER WEISMAN: That's a good
9 suggestion.

10 CHAIRMAN O'RELL: So that at least
11 you've covered those people who have expressed
12 an interest, and then you have trade
13 associations. You have suppliers. I think
14 that's about all that I know to get the word
15 out. Yes Diane?

16 MS. GOODMAN: Very quick question.

17 MEMBER CAROE: Can you come up to
18 the microphone, Diane?

19 MS. GOODMAN: Diane Goodman. In my
20 role as co-chair of the OTA Committee on 606,
21 the OTA task force on 606. Can you give us a
22 date specific by when we would have to have

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1 petitions submitted, so that they could meet
2 this deadline?

3 CHAIRMAN O'RELL: As soon as
4 possible.

5 MS. GOODMAN: Well, I understand.
6 But up until when? It really will help in the
7 communication if we tell people that it has to
8 be by June 1st or it has to be by July 1st.
9 Can you give us a date?

10 CHAIRMAN O'RELL: Arthur?

11 MR. NEAL: Rough estimate I'd say
12 third week in May is the best drop dead date,
13 because there are approximately eight
14 petitions for substances waiting for October.

15 So we don't want to press them too
16 hard. These petitions have been waiting until
17 December, because of sunset. So if we get it
18 early enough to get it to the contractors,
19 they can put enough people on it.

20 CHAIRMAN O'RELL: Okay. If there's
21 no further discussion, we'll take the vote.
22 This is a vote. The motion has been made.

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1 MEMBER CAROE: Has it been seconded?
2 CHAIRMAN O'RELL: Yes, for deferring
3 colors.
4 MEMBER CAROE: Any conflicts?
5 CHAIRMAN O'RELL: Any conflicts?
6 (No response.)
7 CHAIRMAN O'RELL: Bea?
8 MEMBER JAMES: Yes.
9 CHAIRMAN O'RELL: Andrea.
10 MEMBER CAROE: Yes.
11 CHAIRMAN O'RELL: Gerald?
12 MEMBER DAVIS: Yes.
13 CHAIRMAN O'RELL: Dan?
14 MEMBER GIACOMINI: No.
15 CHAIRMAN O'RELL: Kevin?
16 MEMBER ENGELBERT: Yes.
17 CHAIRMAN O'RELL: Hugh?
18 MEMBER KARREMAN: Yes.
19 CHAIRMAN O'RELL: Rigo?
20 MEMBER DELGADO: Yes.
21 CHAIRMAN O'RELL: Jeff?
22 MEMBER MOYER: Yes.

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1 CHAIRMAN O'RELL: Nancy?

2 MEMBER OSTIGUY: Yes.

3 CHAIRMAN O'RELL: Julie?

4 MEMBER WEISMAN: Yes.

5 CHAIRMAN O'RELL: Joe?

6 MEMBER SMILLIE: Yes.

7 CHAIRMAN O'RELL: The chair votes
8 yes.

9 MEMBER CAROE: What about Bea? Did
10 you vote?

11 MEMBER JAMES: He started with me.

12 MEMBER CAROE: Oh, I'm sorry. 11-1-
13 0-2.

14 CHAIRMAN O'RELL: Did you hear that
15 in the audience?

16 PARTICIPANT: Yes.

17 CHAIRMAN O'RELL: So colors, the
18 motion passed, will be deferred.

19 MEMBER WEISMAN: Okay. Moving right
20 along to 605(b). We had made a
21 recommendation, which we discussed earlier
22 today, that is unchanged.

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1 This Handling -- we are -- make a
2 motion that we renew the following substances
3 in the use category, 205.605(b), chlorine
4 materials, disinfecting and sanitizing food
5 contact surfaces, except that residual
6 chlorine levels in the water shall not exceed
7 the maximum residual disinfectant limit under
8 the Safe Drinking Water Act.

9 Part of this recommendation also
10 includes not renewing lecithin-bleached.

11 MEMBER OSTIGUY: Second.

12 CHAIRMAN O'RELL: Is there a need to
13 -- do we need to separate this?

14 MEMBER CAROE: Yes.

15 MEMBER KARREMAN: Why were they
16 bunched together?

17 MEMBER WEISMAN: Okay. Forget about
18 lecithin. We are recommending the renewal of
19 chlorine materials.

20 MEMBER OSTIGUY: Second.

21 MEMBER CAROE: Nancy, you seconded?

22 CHAIRMAN O'RELL: All right. So

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1 moved and seconded. Discussion? I think --

2 MEMBER WEISMAN: Kevin, I do have a
3 question. I realize we already did it, but
4 it's only procedural. I don't recall seeing
5 this done before, where we voted separately on
6 items in one recommendation. Anybody have any
7 -- we have? Okay. I'm sorry. Okay, right.
8 Okay.

9 CHAIRMAN O'RELL: Because we're
10 splitting when something not going to be --
11 it's going to be deferred. So in order just
12 to --

13 MEMBER WEISMAN: To have an
14 accurate, a fair and --

15 CHAIRMAN O'RELL: Not to be confused
16 for the voting and for the public, we could
17 take them as individual items. I think it's
18 the best to do at this point.

19 I know when we did the initial
20 rounds of these and we had the lots of them,
21 we put those through. But at this point, I
22 think we're doing the right thing.

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1 And in terms of discussion, just
2 once again going back to recognizing and
3 putting on the Handling Committee work plan
4 the previous chlorine recommendation for the
5 change of annotation that recommended back in
6 2003, I believe.

7 But I think we need to put that on
8 the work plan and go back, because the
9 terminology in the annotation is still
10 confusing. It's not correct. But we're not
11 addressing this at sunset. But I do want this
12 for the record to say we are going to look at
13 that. Any further discussion? Any conflicts?

14 (No response.)

15 CHAIRMAN O'RELL: Do we have a
16 motion that's been moved and seconded for
17 chlorine for renewal, starting with Andrea?

18 MEMBER CAROE: Yes.

19 CHAIRMAN O'RELL: Gerald?

20 MEMBER DAVIS: Yes.

21 CHAIRMAN O'RELL: Dan?

22 MEMBER GIACOMINI: Yes.

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1 CHAIRMAN O'RELL: Kevin.

2 MEMBER ENGELBERT: Yes.

3 CHAIRMAN O'RELL: Hugh.

4 MEMBER KARREMAN: Yes.

5 CHAIRMAN O'RELL: Rigo?

6 MEMBER DELGADO: Yes.

7 CHAIRMAN O'RELL: Jeff?

8 MEMBER MOYER: Yes.

9 CHAIRMAN O'RELL: Nancy?

10 MEMBER OSTIGUY: Yes.

11 CHAIRMAN O'RELL: Julie?

12 MEMBER WEISMAN: Yes.

13 CHAIRMAN O'RELL: Joe?

14 MEMBER SMILLIE: Yes.

15 CHAIRMAN O'RELL: Bea.

16 MEMBER JAMES: Yes.

17 CHAIRMAN O'RELL: And the chair

18 votes yes.

19 MEMBER CAROE: 12-0-0-2.

20 MEMBER WEISMAN: Okay, and now I

21 have a motion that lecithin-bleached not be

22 renewed on 205.605(a).

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1 MEMBER OSTIGUY: Second.

2 CHAIRMAN O'RELL: It's been moved
3 and seconded. Any discussion? This is
4 consistent with the Discussion from this
5 morning? Andrea?

6 MEMBER CAROE: Can you state the
7 specific reason for it?

8 MEMBER WEISMAN: Because there are
9 non-synthetic alternatives available.

10 MEMBER CAROE: Thank you.

11 CHAIRMAN O'RELL: Any further
12 discussion? Any conflicts?

13 (No response.)

14 CHAIRMAN O'RELL: Hearing none, this
15 is a vote yes to not renew. Gerald?

16 MEMBER DAVIS: Yes.

17 CHAIRMAN O'RELL: Dan?

18 MEMBER GIACOMINI: Yes.

19 CHAIRMAN O'RELL: Kevin?

20 MEMBER ENGELBERT: Yes.

21 CHAIRMAN O'RELL: Hugh?

22 MEMBER KARREMAN: Yes.

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1 CHAIRMAN O'RELL: Rigo?

2 MEMBER DELGADO: Yes.

3 CHAIRMAN O'RELL: Jeff?

4 MEMBER MOYER: Yes.

5 CHAIRMAN O'RELL: Nancy?

6 MEMBER OSTIGUY: Yes.

7 CHAIRMAN O'RELL: Julie?

8 MEMBER WEISMAN: Yes.

9 CHAIRMAN O'RELL: Joe?

10 MEMBER SMILLIE: Yes.

11 CHAIRMAN O'RELL: Bea.

12 MEMBER JAMES: Yes.

13 CHAIRMAN O'RELL: Andrea.

14 MEMBER CAROE: Yes.

15 CHAIRMAN O'RELL: The chair votes
16 yes.

17 MEMBER CAROE: 12-0-0-2.

18 CHAIRMAN O'RELL: So the motion
19 carries and lecithin will be dropped form the
20 list.

21 MEMBER CAROE: Lecithin-bleached.

22 CHAIRMAN O'RELL: Lecithin-bleached.

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1 Thank you.

2 MEMBER WEISMAN: Okay. We're now
3 moving on to Section 606, 205.606, which is
4 non-organically produced agricultural products
5 allowed in ingredients in or on processed
6 products labeled as organic or made with
7 organic.

8 The Committee recommends the renewal
9 of lecithin-unbleached in this use category.

10 MEMBER OSTIGUY: Second.

11 CHAIRMAN O'RELL: It's been moved
12 and seconded. Any discussion?

13 MEMBER KARREMAN: Didn't Lynn
14 Clarkson say that they make an organic version
15 of this?

16 CHAIRMAN O'RELL: Yes. Go ahead,
17 Joe.

18 MEMBER SMILLIE: They do, but
19 there's so many uses of lecithin throughout
20 the industry that at the current time, they
21 don't make as many lecithins that would fit
22 those uses.

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1 So he couldn't nor could anyone else
2 say that they could provide a non-synthetic
3 alternative for all uses of lecithin in the
4 manufacturing processing sector.

5 MEMBER KARREMAN: But that would
6 expand the incentive to have more of the
7 organic than he has, or they have, I should
8 say.

9 MEMBER SMILLIE: The incentive is
10 there.

11 MEMBER CAROE: It's still -- it's
12 606. There is still a commercial availability
13 requirement on this Section.

14 MEMBER KARREMAN: Right.

15 CHAIRMAN O'RELL: Okay.

16 MEMBER MOYER: If I heard him right,
17 he did say that he had, what 120 out of 180 or
18 something already done. So they are moving in
19 the right direction I assume.

20 CHAIRMAN O'RELL: Yes. He felt that
21 he could handle most of the needs that are in
22 the marketplace, but admittedly he said that

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1 there may be some very specialized cases where
2 at this point he can't, and he felt with this,
3 the accompanying commercial availability
4 criteria for the ACAs, that that would go a
5 long towards improving organic lecithin usage
6 in the industry.

7 MEMBER MOYER: So he was supportive
8 of this.

9 CHAIRMAN O'RELL: He was very
10 supportive of this, yes.

11 MEMBER MOYER: I just want to make
12 sure I got him right.

13 CHAIRMAN O'RELL: Yes. He in fact
14 stayed late just to make that comment last
15 night. Hearing no further Discussion, we'll
16 start the vote.

17 MEMBER CAROE: Conflicts?

18 CHAIRMAN O'RELL: Conflicts?
19 Anybody have any conflicts with lecithin?

20 (No response.)

21 CHAIRMAN O'RELL: Dan.

22 MEMBER GIACOMINI: Yes.

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1 CHAIRMAN O'RELL: Kevin?

2 MEMBER ENGELBERT: Yes.

3 CHAIRMAN O'RELL: Hugh?

4 MEMBER KARREMAN: Yes.

5 CHAIRMAN O'RELL: Rigo?

6 MEMBER DELGADO: Yes.

7 CHAIRMAN O'RELL: Nancy?

8 MEMBER OSTIGUY: Yes.

9 CHAIRMAN O'RELL: Julie.

10 MEMBER WEISMAN: Yes.

11 CHAIRMAN O'RELL: Joe?

12 MEMBER SMILLIE: Yes.

13 CHAIRMAN O'RELL: Bea.

14 MEMBER JAMES: Yes.

15 CHAIRMAN O'RELL: Andrea?

16 MEMBER CAROE: Yes.

17 CHAIRMAN O'RELL: Gerald?

18 MEMBER DAVIS: Yes.

19 CHAIRMAN O'RELL: And the chair
20 votes yes.

21 MEMBER CAROE: 12-0-0-2.

22 CHAIRMAN O'RELL: The motion carries

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1 retaining Lecithin on 606.

2 MEMBER WEISMAN: I have one more.

3 MEMBER OSTIGUY: Which one?

4 MEMBER WEISMAN: Commercial
5 availability. Commercial availability is
6 subsumed in the Handling Committee.

7 CHAIRMAN O'RELL: A big one.

8 MEMBER WEISMAN: So can I just make
9 a motion, that we accept the recommendation
10 that was discussed this morning?

11 CHAIRMAN O'RELL: Yeah. I'd read
12 through the full recommendation.

13 MEMBER WEISMAN: Okay.

14 MEMBER SMILLIE: You mean the whole
15 four pages?

16 CHAIRMAN O'RELL: No. The
17 recommendation part.

18 MEMBER SMILLIE: The conclusion.

19 (Simultaneous Discussion.)

20 MEMBER MOYER: The conclusion.

21 MEMBER WEISMAN: The conclusion?

22 Okay.

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1 CHAIRMAN O'RELL: No.

2 MEMBER MOYER: Page three.

3 MEMBER WEISMAN: Oh, okay. Sorry,
4 okay. I get it. It's getting late. Sorry.
5 The recommendation of the Joint Handling and
6 Policy Development Committee for --

7 CHAIRMAN O'RELL: Do we have it up?

8 MEMBER WEISMAN: Yeah. Can we do
9 that?

10 CHAIRMAN O'RELL: Do we have it up,
11 because it is lengthy? But so the public can
12 see. This is the same as what was in -- what
13 was posted. There were some changes, but --
14 Joint Handling and Policy Development
15 Committee

16 MEMBER WEISMAN: This document, this
17 is what was posted on the website dated March
18 30th.

19 CHAIRMAN O'RELL: Okay. So it's the
20 --

21 MEMBER WEISMAN: But mistakenly in
22 the books yesterday was a version that says

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1 March 13th, but that was replaced today.
2 Everyone got a copy of the final.

3 CHAIRMAN O'RELL: Okay. So this is
4 the March 30th posting recommendation.

5 MEMBER WEISMAN: That's the March
6 30th up on there.

7 MEMBER CAROE: Which part did you
8 want up there? It is the part -- I just put
9 part of the recommendation.

10 MEMBER WEISMAN: Okay. We want
11 recommendation (a).

12 MEMBER CAROE: At the bottom?

13 MEMBER WEISMAN: Which is where you
14 are. No, no, no. You were in the right
15 place.

16 MEMBER CAROE: Okay. Here we go.

17 MEMBER WEISMAN: "The NOSB
18 recommends using the procedures currently in
19 place for petitioning materials onto 205.606,
20 meaning those currently in place for
21 petitioning in general also be used for
22 petitioning materials onto 205.606.

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1 "The document entitled "Information
2 to be included in a petition" that's shown on
3 the NOP website, should be amended to include
4 a description of the information needed for
5 the determination of commercial availability
6 of non-organically produced agricultural
7 products.

8 "The following additions to this
9 document are recommended:

10 "(1) We have to add the following
11 bullet to Item A, which right now only gives a
12 check off for allowed synthetics and
13 prohibited non-synthetics. Agricultural (non-
14 organic substance) allowed in or on processed
15 product labeled as organic.

16 "(2) Add the following two bullets
17 to Item (b)(12). When petitioning for the
18 inclusion on the national list of non-
19 organically produced agricultural products,
20 the petition must state why the product should
21 be permitted in the production or Handling of
22 an organic product.

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1 "Specifically, the petition must
2 include current industry information regarding
3 availability of and history of non-
4 availability of an organic form of the
5 product, and all factors that may present a
6 challenge to a consistent organic supply.

7 Second bullet. "When petitioning
8 for the removal from the national list of non-
9 organically produced agricultural products,
10 the petition must state why the product should
11 be prohibited from use in a non-organic form.

12 "Any information acquired since the
13 original petition to add the material to the
14 national list should be provided.

15 A is the recommendations that have
16 to do with what petitioners will provide. B
17 refers to what the NOSB's role will then be.

18 "In recommending that an
19 agricultural ingredient should be placed on
20 205.606, the National Organic Standards Board
21 shall review the petitioner's claim that no
22 organic substitutes are commercially available

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1 in the appropriate form, quality or quantity
2 needed to fulfill an essential function in a
3 system of organic handling.

4 Now C then refers "Once an item has
5 been petitioned and recommended by the NOSB
6 and is now on Section 606, it must be on 606.

7 This is then what the accredited certifying
8 agents' role will be.

9 "The accredited certifying agent, in
10 granting a determination that an agricultural
11 ingredient on 205.606 is not commercially
12 available in an organic form shall (1)
13 Evaluate the applicant or certified operator's
14 documented claim that no organic substitutes
15 are commercially available in the form,
16 quality or quantity needed by the operation to
17 fulfill the required function, including test
18 data demonstrating that organic forms of the
19 ingredient do not meet the functional
20 requirements for the form or quality necessary
21 to the operation.

22 "Number two. Validate that the

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1 applicant or operator has documentation
2 proving that the ingredient is not
3 commercially available in an organic form, by
4 reviewing credible, available information
5 listing known sources of organic ingredients.

6 "Number three. Notify the
7 certification applicant or certified operator
8 of sources of information which list available
9 organic ingredients."

10 I'd like to clarify here that it is
11 not asking the certifier to list for the
12 applicant sources of the ingredient; only
13 sources of information which list ingredients.

14 "If the certifying agent finds that
15 such ingredients exist, or maintain and submit
16 to the National Organic Program annually an
17 up-to-date list of ingredients that have been
18 granted allowances in non-organic form.

19 "The list shall maintain the
20 confidentiality of ingredient suppliers and
21 parties granted allowances. The reporting
22 requirements shall be implemented through the

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1 accreditation process by providing ACAs ample
2 notification and time to adapt data management
3 systems.

4 "Five. Require certified operators
5 to update commercial availability information
6 in each organic system plan update. That
7 means annually.

8 "Number six. Acknowledge all
9 complaints concerning allowances granted, and
10 provide rationale for determinations. If the
11 investigation of a complaint provides
12 significant new information, then the
13 certifying agent must revisit the allowance."

14 I'm not sure why that "and" is
15 there. I think that's a typo.

16 MEMBER CAROE: And is that the
17 motion, Julie?

18 MEMBER WEISMAN: And that's the
19 motion.

20 MEMBER OSTIGUY: Second.

21 MEMBER CAROE: Call the question.

22 CHAIRMAN O'RELL: It's been moved

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1 and seconded. Discussion. Andrea.

2 MEMBER CAROE: I just want to make
3 note that based on comments received and I
4 think it should be very clear that the policy
5 work plan should include working in
6 collaboration with the program on the document
7 that is "Information for a Petition to Add
8 Detail to that Document."

9 Secondly, that perhaps the Handling
10 Committee work plan in collaboration with the
11 program, should develop the evaluation forms
12 that will be used by the board in evaluating
13 606 petition materials.

14 MEMBER JAMES: That would go on the
15 work plan.

16 CHAIRMAN O'RELL: Jeff.

17 MEMBER MOYER: I have a question for
18 the Handling Committee and how they addressed
19 the concern that came up today regarding the
20 number of sources that are contacted in
21 Section (c)(2).

22 MEMBER SMILLIE: Again, it's a good

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1 point and it can be worked on. Remember,
2 we've got -- this is the general
3 recommendation, and it can be fine-tuned and
4 detail can be added.

5 One of the things I was going to
6 add, that the Committee also would work with
7 the NOP during their presentation to the ACAs,
8 of how this is going to be implemented and
9 things like that could be.

10 Specifically about the three, it's a
11 good number and it's a good general reference.

12 But you know, we had a couple of submissions.

13 One was entitled "Gaming the Commercial
14 Availability Rule." There are many ways, you
15 know, the flexibility that's allowed
16 certification agents can be played with.

17 What we're trying to do is put a
18 general recommendation forward to end that,
19 and to really put a consistent level playing
20 field into how certification agents deal with
21 commercial availability.

22 My feeling is this is a good start,

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1 but details can be added. It's not written in
2 stone, and I think that really where the
3 rubber hits the road on this is the two forms
4 that Andrea talked about, but also how the NOP
5 will roll this out in a training to the ACAs.

6 MEMBER CAROE: Thanks, Joe. I
7 edited everybody else's work plan except my
8 own. I wonder how that happened?

9 (Laughter.)

10 CHAIRMAN O'RELL: Yes.

11 MEMBER GIACOMINI: I have to admit
12 I'm totally not up to speed on this issue, and
13 it creates a lot of confusion for me. I do
14 have one question. Are we saying that in
15 order to implement the commercial availability
16 and the three alternative issues that
17 something has to be on 606?

18 MEMBER WEISMAN: That actually is
19 the result of a court ruling. That's
20 something that occurred outside of the
21 activities of this board. So what we're
22 trying to do is implement criteria and

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1 procedures, so that the whole organic world
2 can comply with the court order.

3 MEMBER GIACOMINI: So in the
4 situations that I've experienced this kind of
5 a situation, if someone's in a particular
6 microclimate and needs 72-day corn, and they
7 look and it's not available, corn seed would
8 have to be on 606? I mean what is 606?

9 MEMBER WEISMAN: Well, 606 only
10 refers to handling. Seed is a crops issue.

11 MEMBER GIACOMINI: Okay, thank you.
12 That clarifies it. Okay.

13 CHAIRMAN O'RELL: Yes Andrea.

14 MEMBER CAROE: Just, you know, the
15 background section of this I think clearly
16 explains that commercial availability has been
17 part of this regulation since the day it was
18 implemented.

19 But the interpretation on how that
20 is implemented drastically changed, and was
21 refocused based on the court ruling. So this
22 is the start of implementing those necessary

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1 changes, based on the court ruling.

2 If you take an opportunity to read
3 the background, hopefully that will explain it
4 if you have further questions.

5 MEMBER GIACOMINI: One of the things
6 I -- while having read the rule, I certainly
7 have not memorized all the numbers yet.

8 CHAIRMAN O'RELL: Julie, I know
9 there was some public comment given, in terms
10 of some people thinking that there should be
11 additional information put on Section B.
12 Maybe you'd like to address that and what some
13 of the Committee thoughts were along that
14 line.

15 MEMBER WEISMAN: Yes. Well, that
16 was actually -- that was a reference to an
17 earlier draft, an even earlier draft of this,
18 the many earlier drafts of this
19 recommendation.

20 Section B, what the NOSB would be
21 doing, was laid out in -- with separate
22 numbered sections for the NOSB considering

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1 form, considering functionality. Also, the
2 language of it in the earlier draft was that
3 we would evaluate during the petitioning
4 process those claims.

5 The feeling of the Committee was
6 that we would not be in a position to evaluate
7 all the many manufacturers that might use an
8 item for many different functions, that that
9 has something that historically has been done
10 by the certifiers on a case-by-case basis.

11 It should continue to be done that
12 way, while recognizing that we needed to
13 continue to work on how certifiers were going
14 to have more guidance as to how to tighten up
15 and make the process more rigorous concerning
16 allowances for non-organic agricultural
17 products.

18 CHAIRMAN O'RELL: So if a person
19 petitions an item through this process and
20 gets it on 606, ultimately they're going to be
21 accountable for the ACA criteria that is in
22 Part C.

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1 MEMBER CAROE: And they'll be held
2 by their certifier to the requirements under
3 C.

4 CHAIRMAN O'RELL: Right. Rigo?

5 MEMBER DELGADO: One of the concerns
6 as well was to make sure that the applicant
7 knew exactly what is it that ACA was going to
8 request on that.

9 MEMBER CAROE: What the ACA was
10 going to request, or the petition?

11 MEMBER DELGADO: Or the petition.

12 MEMBER CAROE: And that's why adding
13 to the work plan for policy, to work with the
14 program and revise the information for
15 petition document.

16 Because right now, the
17 recommendation that we've made is consistent
18 with the language in the document now, knowing
19 that further detail needs to be put in not
20 only for List 606, but for 601, 602, 603.

21 CHAIRMAN O'RELL: So the petition,
22 the current petition process is going to

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1 undergo a change, with listing of additional
2 criteria on the petition process itself, and
3 this will go in conjunction with that.

4 MEMBER ENGELBERT: One quick
5 question for the Committee. Who will
6 determine essential function in Part B?
7 That's the only gray area that I see, that I'm
8 concerned about.

9 CHAIRMAN O'RELL: Well, maybe Joe,
10 as a certifier, you might want to go through
11 the answer to Kevin's question, in terms of
12 how you would approach the function?

13 MEMBER ENGELBERT: An essential
14 function.

15 MEMBER SMILLIE: Of the material?
16 Could you just repeat it Kevin?

17 MEMBER ENGELBERT: The last sentence
18 in B about -- yes. Who needed to fulfill an
19 essential function and is that just a given,
20 or is that something that needs to be
21 determined at the time this material is
22 petitioned?

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1 MEMBER SMILLIE: Well again, if it's
2 B Section, that's something the NOSB has to
3 do. The C section is what the accredited
4 certification agent has to do.

5 MEMBER ENGELBERT: Okay.

6 MEMBER SMILLIE: So that will be an
7 NOSB rule to determine.

8 MEMBER WEISMAN: But we will be
9 doing that on the basis of information that's
10 been included in the petitions.

11 For instance, some information that
12 would be included by a petitioner would be
13 that they have already had allowances from
14 their certifier, to use the non-organic form
15 of this product based on that nothing was
16 commercially available to fulfill that
17 question.

18 That's one of the types of
19 information that we will have available to us
20 when we are making this determination. We
21 would want to see, at the very least, that
22 there's a history that is verified already by

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1 ACA.

2 MEMBER ENGELBERT: Okay.

3 MEMBER DELGADO: But again, we would
4 need as board members some sort of template,
5 if you will, or a list of criteria that
6 includes, yes, not only that it passed the
7 certifier's point of view, but also look into
8 specific areas like what Kevin was pointing
9 out. We need to define those.

10 I think that's why the importance of
11 defining, or the work that Andrea was pointing
12 out, comes into play. We need those specific
13 elements that will standardize.

14 MEMBER WEISMAN: Well, can I make --
15 I will suggest that we're going to -- after we
16 finish voting on this item, we're going to be
17 talking about our work plans, and that it
18 would probably --

19 It would be appropriate if the
20 Handling Committee, possibly in conjunction
21 with the Policy Development Committee, add to
22 the work plan the development of any changes

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1 or additions to the current evaluation
2 criteria checklist that we have, to make it
3 appropriate for this purpose.

4 MEMBER JAMES: I just want to
5 clarify that this recommendation will evolve
6 over time, as more input and more information
7 comes back to us about things that need to be
8 clarified, things that need to be further
9 defined, and that by putting it on the work
10 plan is part of that process.

11 CHAIRMAN O'RELL: I will recognize
12 Kim quickly.

13 MS. DIETZ: I just want to go on the
14 record that you're going to have a lot of
15 petitions coming in. So even though this
16 could be an evolving work plan and we could
17 redefine it, that it doesn't stop the process
18 of those petitions being received and
19 reviewed.

20 If you guys aren't ready for them
21 and they're coming in, they need to go
22 through, because within a year, they're going

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1 to -- they need to be on the national list.

2 So you know, as long as you can keep
3 working on it. But it doesn't stop a petition
4 for being incomplete, or you don't have the
5 criteria together. You guys need to start
6 working on these. This is the other train
7 wreck.

8 You know, we had the sunset and now
9 we have 606. I would also encourage the board
10 to get the rest of the group up to speed on
11 606, because there potentially could be
12 hundreds of materials out there coming your
13 way.

14 MEMBER JAMES: Kim, I agree with you
15 100 percent. I don't think that there's any
16 way that this document could be further and
17 further and further crafted, to not evolve
18 once the petitions come in, because the
19 petitions are going to be basically
20 information for us, on how it needs to be
21 further defined.

22 MS. DIETZ: Right, and it's going to

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1 be you're kind of learning as you go. But you
2 have a foundation, but as long as it doesn't
3 stop the process, because you will have to
4 develop that criteria.

5 CHAIRMAN O'RELL: No. I truly view
6 this as a foundation that we need to build
7 upon. I think we're going to learn from this
8 that --

9 MEMBER OSTIGUY: It's a living
10 thing.

11 MS. DIETZ: Well, but in the past --
12 I'll just tell you from past chair experience,
13 if a petition isn't complete, it stops with
14 them. If they don't have the information that
15 you want, then it's not going to go the board,
16 and then you're going to bog the system down.

17 If you don't have your criteria set,
18 you're not going to be able to vote on it. So
19 it is pretty important to get that stuff
20 figured out before you start reviewing
21 materials, and they're coming.

22 MS. FRANCES: Valerie Francis. I'm

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1 going to do my best to work with this process,
2 to make sure things don't become a train
3 wreck. So you haven't had me before, so I
4 hope I can be helpful.

5 CHAIRMAN O'RELL: Okay. Thank you,
6 Valerie. All right. I think we're ready to
7 vote. We're voting on the recommendation of
8 commercial availability, to set the
9 recommendation. Hugh?

10 MEMBER KARREMAN: Yes.

11 CHAIRMAN O'RELL: Rigo?

12 MEMBER DELGADO: Yes.

13 CHAIRMAN O'RELL: Nancy, before she
14 left hearing the discussion, left a "yes" for
15 me with a proxy. Julie?

16 MEMBER WEISMAN: Yes.

17 CHAIRMAN O'RELL: Joe?

18 MEMBER SMILLIE: Yes.

19 CHAIRMAN O'RELL: Bea?

20 MEMBER JAMES: Yes.

21 CHAIRMAN O'RELL: Andrea?

22 MEMBER CAROE: Yes.

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1 CHAIRMAN O'RELL: Gerald?

2 MEMBER DAVIS: Yes.

3 CHAIRMAN O'RELL: Dan?

4 MEMBER GIACOMINI: Abstain.

5 CHAIRMAN O'RELL: And the chair
6 votes yes.

7 MEMBER CAROE: 11-0-1-2.

8 CHAIRMAN O'RELL: Okay. That
9 concludes the work and action items for the
10 Committee. The last thing on the agenda was
11 to present Committee work plans. You take
12 five? Asking for five. Okay.

13 I'll take five, but five, so we can
14 get back and just wrap up with the Committee
15 work. Andrea, did you say you wanted to
16 start?

17 Presentation of Committee Work Plans

18 MEMBER CAROE: If you don't mind.
19 It's very short. The CAC has three items on
20 work plan. Outstanding item is to collaborate
21 with the NOP on a peer review procedure for
22 the continuation of a peer review at the

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1 program level.

2 The second item is to collaborate
3 with the NOP again on response items to the
4 previous peer review through ANSI.

5 The third item is once again to
6 collaborate with the NOP on ACA training,
7 specifically in regards to application of
8 commercial availability.

9 CHAIRMAN O'RELL: Okay. Any
10 questions of Andrea? The one thing I would
11 ask is that all of the committee chairs, let's
12 point out who in your committee is the vice
13 chair.

14 MEMBER CAROE: Vice chair for our
15 committee is Joe Smillie.

16 CHAIRMAN O'RELL: Joe Smillie. We
17 want to get this on the record, so Joe Smillie
18 is vice chair. Who's next? Who wants to go?

19 MEMBER KARREMAN: I'll go.

20 CHAIRMAN O'RELL: Hugh?

21 MEMBER KARREMAN: Actually, this is
22 for Livestock and I am the vice chair but

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1 acting chair, so I'm both. But no.
2 Technically I'm vice chair, just for the
3 record, and Mike Lacy is chair.

4 When I talked to him on Monday
5 before coming up here, basically two things
6 that he mentioned were to work on the last
7 third of gestation or the livestock
8 replacement clause, because of things that are
9 happening after June 9th. That's the first
10 thing.

11 The other thing is to, now that
12 we've received the aquiculture report, to you
13 know, consider that and work on that.

14 Okay. In terms of the aquiculture -
15 - what did I say? Aquiculture. Yes. In
16 terms of the aquiculture report, George
17 Lockwood is expecting Mike Lacy to contact
18 him, to have a discussion, so that they can
19 get on the same page in terms of further
20 direction, what plans can be done internally.

21 Since that working group has not
22 been disbanded, what other things they might

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1 be able to help out and what is the time line
2 and continuation of the shellfish part of that
3 recommendation that needs to come in a report
4 form. Yes Andrea?

5 MEMBER CAROE: George approached me,
6 and asked the board to consider an ad hoc
7 group to deal with aquiculture, since it's not
8 a direct fit with livestock. It's been stuck
9 with livestock because it's a better fit than
10 any other committee.

11 But perhaps an ad hoc committee,
12 where maybe there's a variety of different
13 talents to that group.

14 CHAIRMAN O'RELL: So you want an ad
15 hoc committee composed of, within our board?

16 MEMBER CAROE: Of committee members
17 -- board members, yes.

18 CHAIRMAN O'RELL: Okay, okay. Maybe
19 Mike can discuss that.

20 MEMBER JAMES: Maybe some kind of
21 Joint Committee?

22 MEMBER CAROE: Not necessarily a

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1 joint committee. Just an ad hoc committee.
2 It could be members from any one of the
3 different committees.

4 CHAIRMAN O'RELL: There are some
5 other people on the board that have an
6 interest in being involved in that activity.
7 Okay.

8 MEMBER KARREMAN: These aren't
9 necessarily in the order that, you know,
10 they're just on the work plan. Also of course
11 keep dealing with the pasture issue with the
12 NOP. Keep going back and forth with them,
13 work with them as we can from our symposium
14 here.

15 Then I think from the public
16 comments and what we said right before the
17 votes today, I think on the work plan would be
18 to -- and we could do this from within the
19 NOSB I guess, change the annotations on
20 oxytocin and perhaps Ivermectin. I'm not
21 certain on that.

22 But there are two materials that we

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1 need -- because of the votes and public
2 comment, we need to kind of keep on the
3 burner.

4 CHAIRMAN O'RELL: Okay.

5 MEMBER JAMES: I have a question.
6 Can I ask you something Hugh?

7 MEMBER KARREMAN: Yes.

8 MEMBER JAMES: There was a comment
9 that there's an organic system plan for
10 livestock, as far as dairy operations and
11 pasture. I was wondering if you guys were
12 going to look into that and see if that
13 outline -- Jim, you had mentioned something
14 about that, and if --

15 MEMBER KARREMAN: What George had
16 mentioned as the farm system, the old farm
17 plan? He wants that reemphasized? No? Go
18 ahead.

19 MR. RIDDLE: Yes. Jim Riddle.
20 Yeah, ATRA has been commissioned by NOP to
21 work on system plans, and has the livestock
22 plan template. It's not just for dairy or

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1 pasture, but it includes those.

2 So yes, I think that would be good
3 for the Livestock Committee, to be ready to
4 review that, because my understanding of it,
5 George Kipper will soon be submitting it.

6 MEMBER KARREMAN: Yeah, great. So
7 we will be looking at ATRA checklist.

8 CHAIRMAN O'RELL: Good. Thank you.
9 Rigo?

10 MEMBER DELGADO: The PDC has four
11 items on the table. The first one is to make
12 sure that we finish finally the new guide, the
13 guide for new members, 101. The second one is
14 elements that we've been working on since our
15 last meeting.

16 The second point includes revision
17 of the board policy manual, specifically
18 concentrating on the clarification of
19 deferral.

20 The third item will be review
21 potentially separation of mineral source
22 supplements from ag source supplements.

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1 The final one is work together with
2 Crops Committee to define the temporary
3 variances for research. Bea is my vice chair.

4 MEMBER JAMES: There's pain in us
5 all.

6 CHAIRMAN O'RELL: Okay. For the
7 record, Bea is the vice chair.

8 MEMBER DELGADO: Yes, and I also
9 should mention that I'm going to be working
10 closely with NOP, to make sure we come up with
11 a nice new guide that is suitable for
12 everyone.

13 CHAIRMAN O'RELL: New guidelines?

14 MEMBER JAMES: The new member guide.

15 MEMBER DELGADO: No, the new member
16 guide.

17 CHAIRMAN O'RELL: The new member
18 guidelines. Okay, thank you.

19 MEMBER CAROE: What was the third
20 item, Rigo? Mineral supplements?

21 MEMBER DELGADO: Yeah. Review
22 potential separation of mineral source

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1 supplements from ag source supplements.

2 MEMBER JAMES: I also just want to
3 clarify that the policy and procedure manual
4 is actually under the leadership of the vice
5 chair.

6 So that as we go forward with the
7 notes on things that need to be changed in the
8 policy and procedure manual, that the Policy
9 Committee will be working with Andrea on that.

10 CHAIRMAN O'RELL: Rigo, going back
11 to that separation, I'm confused.

12 MEMBER DELGADO: Me too.

13 CHAIRMAN O'RELL: Okay.

14 MEMBER DELGADO: Let me -- as I
15 said, I inherited these points from the
16 previous chair.

17 CHAIRMAN O'RELL: Who was?

18 MEMBER DELGADO: Who was Dave
19 Carter.

20 CHAIRMAN O'RELL: And I just saw
21 Dave leave the room. He knew you were going
22 to say that. He hightailed it out.

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1 (Laughter.)

2 MEMBER SMILLIE: He had his own
3 distractions.

4 MEMBER DELGADO: If you remember, we
5 managed to clarify what Point 4 was, temporary
6 variances. But let me have that as my
7 assignment, and I promise --

8 CHAIRMAN O'RELL: Contact Dave and
9 find out what his intent was.

10 MEMBER DELGADO: I'll find out the
11 details.

12 CHAIRMAN O'RELL: Because I don't
13 understand it.

14 MEMBER DELGADO: I apologize for
15 that.

16 CHAIRMAN O'RELL: Do you Jim?

17 MR. RIDDLE: No.

18 CHAIRMAN O'RELL: Okay. Then I
19 don't feel so bad.

20 MEMBER DELGADO: But I think I do.

21 (Laughter.)

22 CHAIRMAN O'RELL: All right, thank

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1 you, Rigo. Tried to slide it by. You felt
2 his voice lowered, but it was a --

3 (Laughter; simultaneous Discussion.)

4 MEMBER CAROE: Shall we move along?

5 CHAIRMAN O'RELL: Handling
6 Committee, moving on. Yes, go.

7 MEMBER WEISMAN: Okay, all right.
8 I've got to say I was really looking forward
9 to just crossing sunset materials off the
10 list, but we do have one deferral. So we will
11 be requesting a TAP on colors and seeking
12 petitions on specific colors. We'll still be
13 doing that.

14 Next on our work plan is to continue
15 to work on the ag/non-ag question, in
16 conjunction -- as a joint venture with the
17 full Materials Committee, especially in light
18 of the new request for consideration of yeast
19 as either livestock or non-plant life.

20 CHAIRMAN O'RELL: Non-plant life, a
21 part of its definition of livestock.

22 MEMBER WEISMAN: All right.

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1 Pasture, no. We will also -- actually Bea had
2 prepared, although it didn't get attached, a
3 very detailed step-by-step plan, including a
4 time line, for how we are now going to
5 incorporate into a revised recommendation on
6 synthetic versus non-synthetic, a definition
7 of synthetic that incorporates all of the
8 wonderful feedback we got from the program, as
9 well as some other public comments that were
10 very thorough and insightful. We will also be
11 working on that jointly with the Materials
12 Committee.

13 We will continue to participate in
14 the Pet Food Task Force work, which I
15 participate in, and I can continue to do that
16 until such point that it becomes an item that
17 the full committee will need to consider.

18 CHAIRMAN O'RELL: And your vice
19 chair?

20 MEMBER WEISMAN: I don't have a vice
21 chair.

22 CHAIRMAN O'RELL: Because it's

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1 important, because the vice chairs of the
2 Handling Committee and the Livestock Committee
3 and the Crops Committee will be the liaison on
4 the Materials Committee for petition review.

5 MEMBER WEISMAN: Right.

6 CHAIRMAN O'RELL: So we need to --
7 if you don't have one now, you need to --
8 maybe in the first committee meeting that we
9 have, we need to get one and have it on
10 record, so that we have a vice chair.

11 MEMBER WEISMAN: Right. I'm going
12 to have to hone my arts of persuasion.

13 CHAIRMAN O'RELL: So nobody will be
14 answering your e-mails or phone calls.

15 MEMBER CAROE: Julie, you have one
16 other item?

17 MEMBER WEISMAN: Yes. We're not --
18 yes, I'm not finished. I'm not finished.

19 CHAIRMAN O'RELL: Oh, sorry.

20 MEMBER WEISMAN: We went a long way
21 to getting commercial availability off this
22 list. However, even with today's, passing of

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1 today's recommendation, we will continue now
2 to have to work with the program about what
3 kind of guidance to add for ACAs, in
4 determining commercial availability.

5 Also, that we will need to work on
6 how to amend the evaluation criteria
7 checklists, so that we know that we've gotten
8 the information that we need from petitioners,
9 in order to make an adequate recommendation.
10 Kevin?

11 MEMBER CAROE: Dealing with
12 commercial availability with the ACAs is right
13 now on CAC work plan, but you're welcome to
14 have it.

15 MEMBER WEISMAN: How generous of
16 you, Andrea.

17 MEMBER CAROE: I'm just, you know.
18 I'll share the love.

19 MEMBER WEISMAN: We'll continue to
20 work on the A and B things, and you can have
21 C.

22 CHAIRMAN O'RELL: Yes, yes. There's

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1 enough on the plate.

2 MEMBER WEISMAN: Right, okay.

3 CHAIRMAN O'RELL: Julie's ambitious.

4 MEMBER WEISMAN: Wait. I'm not
5 done. Review petition substances as needed.
6 That's going to include the avalanche of 606
7 petitions that are going to come in, and then
8 we also have this --

9 MEMBER SMILLIE: Isn't that an
10 entire board function? That's not a Handling
11 Committee function.

12 MEMBER WEISMAN: Well, 606 is --

13 CHAIRMAN O'RELL: No. It goes to
14 the specific committee.

15 MEMBER WEISMAN: It goes to Handling
16 first.

17 CHAIRMAN O'RELL: And then the
18 committees make recommendations to the full
19 board. That's how --

20 MEMBER JAMES: Jim's laughing at
21 her.

22 CHAIRMAN O'RELL: Jim, you're

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1 enjoying this.

2 (Laughter.)

3 MEMBER WEISMAN: And we have some
4 new petitions that we didn't even have to
5 consider, because of the sunset process, such
6 as jelling gum, and I'm sorry I don't have the
7 complete list. But we do have --

8 CHAIRMAN O'RELL: We have back
9 petitions that -- yes.

10 MEMBER WEISMAN: We have petitions
11 that need to be reviewed. And then --

12 MS. FRANCES: You will be getting
13 stuff next week.

14 MEMBER WEISMAN: Oh, thank you
15 Valerie.

16 MEMBER CAROE: Thanks. You're not
17 going to even give us a week?

18 MS. FRANCES: I've put it off three,
19 actually.

20 MEMBER WEISMAN: Food contact
21 substances was on the work plan, okay.

22 CHAIRMAN O'RELL: We've got -- I

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1 don't think -- between now and October. I
2 mean really, I mean it could be back burnered
3 on the work plan, but between now and October
4 are the items that we need to address here
5 now, so that the public knows that we'll be
6 moving forward with those for the October
7 meeting.

8 MEMBER WEISMAN: And respond to Q&As
9 as needed. Is that --

10 CHAIRMAN O'RELL: Sure.

11 MEMBER WEISMAN: Okay. That's it.

12 CHAIRMAN O'RELL: Okay.

13 MEMBER KARREMAN: Question for
14 Kevin. You mentioned that the vice chairs of
15 each committee are the liaison for petitions
16 to the Materials Committee.

17 How do you mean? That the vice
18 chair what, shepherds it through the whole
19 process until it gets to the Materials
20 Committee or what?

21 CHAIRMAN O'RELL: It's in the policy
22 manual.

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1 MEMBER KARREMAN: I should read it.

2 (Laughter.)

3 MEMBER CAROE: That welcome letter
4 that said you were supposed to read that
5 before you showed up.

6 MEMBER KARREMAN: Yep. I got that
7 too.

8 (Simultaneous Discussion.)

9 CHAIRMAN O'RELL: Pardon me?

10 PARTICIPANT: Materials Committee
11 work plan?

12 CHAIRMAN O'RELL: The number one
13 item on the Materials Committee is the
14 synthetic/non-synthetic document, and then I
15 need to confer with Nancy, to get her list,
16 and get it in the record.

17 PARTICIPANT: Do we know what --
18 (not on mike).

19 CHAIRMAN O'RELL: No, we don't.

20 MEMBER CAROE: I've got to go.
21 Sorry, Kevin. I've got to go.

22 MR. NEAL: They're all updated on

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1 the website.

2 CHAIRMAN O'RELL: They're on the
3 website, but --

4 MR. NEAL: I don't have them off the
5 top of my head.

6 CHAIRMAN O'RELL: I don't have them
7 on the top of my head. They're on the website.
8 Gerald?

9 MEMBER DAVIS: Crops Committee work
10 plan. New petitions, lime mud, sulphuric acid
11 in manures, and any other new ones that might
12 come in. I hear there are some.

13 Two older ones, cyprotein isolate
14 and ammonium bicarbonate. I'm assuming we're
15 still hung up with those, waiting for the
16 synthetic/non-synthetic recommendation to be
17 completed, because those too have issues that
18 we felt were unanswerable until we get that
19 one done.

20 Finish the compost heap
21 recommendation, which the two parts left to
22 finish on that is the compost heap itself and

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1 dehydrated manures, as part of that, and some
2 vermiculture stuff too.

3 Commercial availability of seed.
4 Look at the August '05 recommendation and
5 possibly improve the recommendation concerning
6 the national database that was suggested in
7 that, as well as comments that came from
8 certifiers about the workload and the
9 ramifications of that, what that would mean
10 for them.

11 Hydroponics is still on the list.
12 Gather information and fact-finding on how and
13 if hydroponics should have or could have
14 standards, organic standards.

15 CHAIRMAN O'RELL: And your vice
16 chair? You need to appoint one. Did you
17 appoint one?

18 MEMBER DAVIS: No. I just said we
19 need to pick one.

20 CHAIRMAN O'RELL: Okay. I thought
21 he was looking at you. Everyone was looking
22 at you. So okay.

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1 (Simultaneous discussion.)

2 MEMBER JAMES: That's how Joe got
3 appointed.

4 MEMBER DAVIS: I looked at Kevin
5 too.

6 (Simultaneous discussion; laughter.)

7 CHAIRMAN O'RELL: Okay. So that
8 concludes the --

9 MEMBER DAVIS: If either one of you
10 are available and interested.

11 MEMBER MOYER: I can do it if you
12 want me to.

13 MEMBER JAMES: Oh, stepping up.

14 CHAIRMAN O'RELL: Okay, Jeff.

15 MEMBER DAVIS: Kevin said yes too.
16 Okay. Kevin's deferring to Jeff.

17 CHAIRMAN O'RELL: I'll let you guys
18 work it out, just as long as we have one.
19 Okay. Just some quick closing comments,
20 because I know everybody wants to get out of
21 here. We're running late again.

22 So I'd like to certainly thank the

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1 public for all their participation, especially
2 the few souls that are sticking with us to the
3 very end. Thank you.

4 But there was a lot of good input
5 from the public during this meeting. I'd
6 certainly like to thank the NOP and staff for
7 all the hard work that was done in preparation
8 for this meeting.

9 (Applause.)

10 CHAIRMAN O'RELL: In recognizing
11 Valerie, this has been a new thing with us to
12 have the executive director.

13 (Applause.)

14 CHAIRMAN O'RELL: It really has been
15 a lot of help on committee calls and getting
16 things together and organized.

17 I'd like to thank the Livestock
18 Committee, working in conjunction with the NOP
19 and pulling off a very good pasture symposium.

20 I think we had a lot of good feedback that
21 I've heard from a lot of farmers and people
22 who traveled here to listen to it. So thanks

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1 for everybody's participation in that.

2 I'd like to thank the board for
3 supporting past board members. I'd like to
4 thank those that are still here as past board
5 members for their help. The current board,
6 thank you so much for getting me through my
7 first experience here as chair.

8 (Applause.)

9 CHAIRMAN O'RELL: And the new
10 members, because I really think the new
11 members came out of the chute just alive and
12 kicking, and it's really good. You've been --
13 the participation has been there.

14 (Applause.)

15 CHAIRMAN O'RELL: No, it's been
16 really good. On the committee participation
17 level, and even at the committee level,
18 there's been a lot of good participation with
19 the new members. So with that --

20 MEMBER CAROE: Motion to adjourn.

21 MEMBER SMILLIE: I'd like to thank
22 the philosophy major who kept everybody

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1 speaking into the microphones.

2 (Applause.)

3 CHAIRMAN O'RELL: I would accept a
4 motion to adjourn.

5 MEMBER KARREMAN: Second. Wait.
6 Kevin wanted to say something here.

7 CHAIRMAN O'RELL: Oh Kevin.

8 MEMBER ENGELBERT: I'd just like to
9 thank all NOSB members, past and present, and
10 the NOP, for making this such a seamless
11 transition for me to come onto the board. I'm
12 very appreciative of all your help.

13 CHAIRMAN O'RELL: Thank you, and
14 Mark, sorry. You wanted to address us.

15 MR. BRADLEY: Just very briefly, you
16 know. Thank everybody of course for your
17 perseverance through all of this, and the
18 excellent support that we've had from our
19 court reporter and audiovisual person.

20 (Applause.)

21 MR. BRADLEY: I would also like to
22 comment on, again, echoing Kevin's seamless

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1 transition is due in no small part to their
2 jumping in with both feet and attacking all
3 these issues.

4 They acted just like senior board
5 members, and we're looking forward to an
6 excellent spirit of cooperation with them, the
7 program, and we'll use -- expect a lot out of
8 our new executive director, Valerie, and she's
9 just doing great. Thank you. Thank you all
10 very much.

11 CHAIRMAN O'RELL: Thank you, Mark.
12 Just one quick comment before I ask for an
13 adjournment. There's a photographer here that
14 would like to get a picture of the board,
15 whatever's left of us.

16 So well, he'd like to get what's
17 left, okay. So we promised him -- he's been
18 hanging around to do this, so we're going to
19 go do it. I don't want to hear "camera shy."

20 I will accept a motion to adjourn.

21 MEMBER SMILLIE: I move for
22 adjournment.

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1 MEMBER DAVIS: Second.

2 CHAIRMAN O'RELL: All those in
3 favor?

4 (Chorus of ayes.)

5 CHAIRMAN O'RELL: Thank you.

6 (Whereupon, at 6:31 p.m., the
7 meeting was adjourned.)

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